**From:** Gong, Kristiene
**Sent:** Thur 9/3/2015 3:42:30 PM
**Subject:** RE: CO Mine Spill Clips - 9/3

**Colorado Statesman:**

http://www.coloradostatesman.com/content/996082-governor-would-consider-epa-superfund-request-mines-if-local-officials-get-behind-des

**Governor would consider EPA Superfund request for mines if local officials get behind designation**

9/3/2015 By David O. Williams

Gov. John Hickenlooper would consider requesting that abandoned mines near Silverton be designated an EPA Superfund site and placed on the National Priority List if there's enough local support, a spokeswoman told The Colorado Statesman this week.

"The governor would certainly consider making the request [to the EPA] if there is broad local community support," Hickenlooper spokeswoman Kathy Green said, adding that the governor has had several talks with local officials and the EPA Superfund topic has come up.

Following last month's accidental blowout caused by EPA contractors at the Gold King Mine that released 3 million gallons of acid mine drainage into Cement Creek and then the Animas River, there's growing local discussion of Superfund listing. For many years the mere suggestion of a Superfund cleanup raised local hackles and met resistance because of its perceived stigma.

The same amount of contaminated water that was discharged suddenly on Aug. 5, when workers breached a dammed mining tunnel, is flowing out of the Gold King approximately every four days and has been for years, according to the EPA, which puts the current discharge rate at between 500 and 600 gallons per minute.

State and federal officials say three more mines near Gold King — Sunnyside, Mogul and the Red and Bonita — are cumulatively discharging more acidic mine drainage, laden with heavy metals such as lead, zinc, cadmium and copper, than the Gold King. That contamination, dating back to the late 19th Century, has rendered the upper drainage devoid of aquatic life.

"Everything's on the table: EPA Superfund or other remedies," Silverton Town Administrator Bill Gardner told The Statesman on Wednesday. "We've got to find something that works, and the most important thing is that we do it right, and we do it right the first time so this doesn't become some prolonged study and analysis and not taking action."

EPA officials say NPL listing, which on average takes about six months from initial proposal if a site qualifies, can bring millions of dollars of federal funding into play for remediation, but it has to have local support.

"The Gold King Mine site has never been proposed to be listed on the National Priority List (NPL)," the EPA states on its website. "At this time we haven't received any requests from the governor to propose listing this site on the NPL, which we look for as part of the agency's policy and practice."

One thing local officials don't support is suing the EPA, which the Navajo Nation — downstream from the Animas along the San Juan River in northern New Mexico — is preparing to do. Colorado Attorney General Cynthia Coffman also is considering legal action against the EPA.

"Absolutely not," Gardner said. "I think that's the worst thing that we as a community could be involved in. What we're interested in is partnering with the EPA and whatever other federal and state organizations are necessary to find a solution. Legal action is only going to delay any kind of real results."

U.S. Sen. Cory Gardner, a Republican, late last week issued a press release applauding a Senate Environment and Public Works Committee hearing on the EPA's handling of the Aug. 5 blowout, which will include testimony from EPA administrator Gina McCarthy.

"The EPA caused this spill, and their completely inadequate response has left Coloradans with more questions than answers," said Gardner, who is no relation to the Silverton official. "I'm continuing to closely monitor the situation in the Animas River and surrounding communities, and I look forward to hearing answers from the EPA."

Silverton's Gardner said the EPA is "doing quality work up at the site itself to get us through this winter," building holding ponds that are slowing the discharge of acid mining drainage so contaminants can settle and pH levels can be lowered. He said town and San Juan County staff will meet with the EPA on Friday to discuss more permanent solutions, such as a water treatment facility or other high-tech fixes for a problem that has plagued the drainage for decades.

State health officials, who on Wednesday announced that testing revealed trout from the Animas River are again safe to eat, are in favor of EPA Superfund listing.

"The Hazardous Materials and Waste Management Division has very limited authority and funding outside of the Superfund process," CDPHE spokesman Mark Salley told The Statesman. "The most likely way sufficient funds will be available to address the issue is by listing the site on the NPL."

Silverton and San Juan County officials are seeking federal disaster funds after Hickenlooper already made an official state disaster declaration, sending $500,000 in assistance.

Professor Mark Squillace, who specializes in environmental, natural resources and water law at the University of Colorado Law School, said the heated political rhetoric needs to be removed from the discussion.

"It's fair to say that the Republicans have blocked efforts to set up a reclamation fund for these

abandoned mines," Squillace said, referring to the lack of congressional action on the 1872 Mining Act. Proposals to reform the law would establish a system of royalties for mining on public lands and use that revenue to set up a clean-up fund. "If the state were to sue over this, it would tend to politicize an issue that needs to be addressed in a more bipartisan and constructive way than litigation is likely to achieve."

Squillace adds that Superfund listing could get private mine owners to contribute to the cleanup, easing the burden on taxpayers.

"It's not just a federal fund that would have pay for the cost of the cleanup, but it's also private parties that have some responsibility for creating the mess in the first place," Squillace said.

**From:** Gong, Kristiene
**Sent:** Wednesday, September 02, 2015 4:16 PM
**Subject:** RE: CO Mine Spill Clips - 9/2

**AP (via ABC News):**

http://abcnews.go.com/US/wireStory/colorado-mine-spill-prompts-warning-system-33487401

**Colorado Mine Spill Prompts Changes in Warning System**

DENVER — Sep 2, 2015, 3:28 PM ET

By DAN ELLIOTT Associated Press

A massive wastewater spill from an old gold mine in southwestern Colorado prompted state officials to expand the list of downstream users they warn after such accidents.

Colorado health officials notified only agencies inside their state after 3 million gallons of water tainted with heavy metals gushed out of the Gold King mine Aug. 5, eventually reaching the Animas, San Juan and Colorado rivers in New Mexico and Utah.

In the future, the Colorado Department of Public Health and Environment will warn downstream states as well, department spokesman Mark Salley said.

Colorado officials didn't know the magnitude of the spill when they issued their warnings, he said.

Officials in neighboring New Mexico are unhappy because they say the federal Environmental Protection Agency never alerted them, even though an EPA-supervised crew inadvertently triggered the spill, and it poured into the Animas River about 70 miles upstream from the

Colorado-New Mexico line.

The crew was trying to enter the mine as part of a cleanup operation and breached a debris pile that was holding back the water.

New Mexico officials first heard about the spill nearly 24 hours after it happened, and the news came from the Southern Ute Indian Tribe, not the EPA, said Chris Sanchez, a spokesman for Gov. Susana Martinez.

The Southern Ute reservation straddles the Animas River in Colorado, and tribal officials had been alerted by the Colorado health department.

New Mexico officials contacted the EPA after hearing from the Southern Utes, Sanchez said.

"The EPA to this day has not been able to answer why the agency never contacted the state of New Mexico," Sanchez said in an email to The Associated Press Wednesday.

EPA officials didn't immediately respond to phone calls seeking comment.

The EPA has come under sharp criticism for causing the spill and for its handling of the aftermath. At least four congressional committee hearings are scheduled, starting Sept. 9.

The Interior Department, which is separate from the EPA, is investigating, with the help of the Army Corps of Engineers.

EPA Administrator Gina McCarthy has said the agency accepts the responsibility for the spill, calling it tragic and unfortunate.

The EPA has said water quality is returning to pre-spill levels. Colorado health officials said Wednesday it is safe to eat trout from the Animas River.

**From:** Gong, Kristiene
**Sent:** Wednesday, September 02, 2015 2:50 PM
**Subject:** RE: CO Mine Spill Clips - 9/2

**Denver Post:**

http://www.denverpost.com/news/ci_28744670/animas-river-trout-deemed-safe-eat-after-colorado

**Animas River trout deemed safe to eat after Colorado mine spill**

Colorado health officials say testing on fish will continue

By Jesse Paul

Colorado health officials said Wednesday trout from the Animas River are safe to eat even after being exposed to contaminants from a massive wastewater spill last month.

"Most fish tissue analyzed after the Gold King mine release showed metals below detectable levels," the Colorado Department of Public Health and Environment said in a news release. "All results were below the risk threshold."

Officials say levels of mercury, selenium and arsenic in rainbow and brown trout from the Animas within the range of levels in fish previously sampled in the state.

Wildlife officials worried trout in the Animas could be immediately tainted after the Aug. 5 spill above Silverton caused by the Environmental Protection Agency. Contaminants flowed into Cement Creek before draining into the Animas and subsequently flowing through three states and two American Indian tribes.

Leaching mines in the Upper Animas Mining District are suspected of lowering the fish population in the river over the past decade. Officials worried the release would speed up the problem.

"Because there is a potential for fish to concentrate metals in their tissue over time, the department and Colorado Parks and Wildlife will continue to monitor levels of metals in Animas River fish," the release said. "New data will be analyzed and results reported when available."

**From:** Gong, Kristiene
**Sent:** Wednesday, September 02, 2015 12:40 PM
**Subject:** RE: CO Mine Spill Clips - 9/2

**Durango Herald:**

http://www.durangoherald.com/article/20150901/NEWS01/150909980&source=RSS

**Mining reclamation may be a pipe dream**

By Peter Marcus Herald staff writer Article Last Updated: Tuesday, September 01, 2015 10:55pm

DENVER – Despite cries for a focus on reclamation following the Gold King Mine spill, restoring thousands of inactive mines across Colorado and the nation may prove difficult, if not

logistically impossible.

Ron Cohen, a professor of civil and environmental engineering at Colorado School of Mines, said the technology and funding is lacking to properly perform the reclamation work needed.

"The reality is, and my prediction is, that this is going to be a problem for a long, long time," Cohen said. He has been briefing federal lawmakers on oversight following the Gold King disaster. "Is there political will in the federal government now to come up with more monies for cleanup? I don't think that's going to happen."

There has been a refocus on reclamation in the wake of the Gold King incident, in which an error by an Environmental Protection Agency-contracted team on Aug. 5 sent an estimated 3 million gallons of orange old mining sludge into the Animas River. The water initially tested for spikes in heavy metals, including lead, arsenic, cadmium, aluminum and copper.

It isn't the first time Colorado has seen its rivers turn orange because of spills from an old mining operation. Each time an incident occurred, the focus was shifted to reclamation, yet the pervasive problem lingers.

Part of the dilemma has to do with money. Estimates place national reclamation of inactive mines as high as $54 billion. Mining laws that govern the industry in the United States date back 143 years. The federal government is prohibited from collecting royalties on much of hard-rock mining, thereby leaving the coffers dry for reclamation.

Congress is expected to take up legislation that would allow the government to collect royalties, though the measure faces an uphill battle in a Congress plagued by political gridlock. Even still, there is the underlying issue of inadequate technology to address.

Reclamation work remains a pretty rudimentary process. For cleanup crews to really make a long-lasting impact, they must get beyond the opening of the mine. Back during the mining boom of the late 19th century and early 20th century, there was little engineering. Dams were installed, including a pile of material, and behind it was waste products, residual water and chemicals.

"You're looking at the potential of these sort of hastily put together dams bursting, and the older they get, the more frequently that's going to occur," Cohen said.

For a mine to be properly restored, workers must address the waste rock pile, which includes all the rock that didn't have enough ore to be worthy of processing. This material likely has a lot of pyrite in it, which can make acid mine drainage after it mixes with oxygen and water. This material is on the land surface.

There's also tailings storage to address, which is the waste from processing the ore that took place to harvest metals. This fine texture also is on the land surface.

The waste piles – built on top of local soil – contained no liners and can be more than 1,000 acres large and taller than 300 feet.

"The idea was make gravity your friend. If we can dump it down someplace, rather than haul it far and up, we're in business, and it's less costly," Cohen explained. "In the old days, that was their modus operandi."

These waste piles must be moved to a place that has been properly prepared in a large pit lined with clay or a high-density polyethylene liner. A neutralizing material – like lime – is placed on the bottom of the acid-generating material and then on top of it. It is topped with another clay liner to spur vegetative growth. Some call it the "tailings burrito."

But these pits will likely fail eventually, and there is usually a body of water running through it, which is problematic for water quality.

Often, a bulkhead, or reinforced concrete plug, is constructed at the mine opening. But this is a temporary solution at best. As Cohen pointed out, "water has this nasty habit of finding the path of least resistance." The water simply finds its way through other openings, such as fractures in rock.

The bulkhead is really just a way to delay while money is sought for more permanent reclamation work. The ultimate solution is a treatment facility that could cost as much as $20 million to construct and another $1.5 million per year to operate 24 hours a day. The facility usually must be built at high altitudes in remote, difficult terrain.

But with a treatment facility, workers can control pipes in the bulkhead and adjust the flow of water so that it can be treated, offering a more permanent solution.

The EPA said that it is exploring building a treatment facility near Gold King in the wake of the spill. Groups have been calling for a treatment facility in the Upper Animas Mining District for years. Pollution from inactive mines has long contaminated Cement Creek near Silverton, which runs into the Animas. A treatment plant operated in the 1990s. But in 2004, the water-treatment facility was shut down.

In the meantime, EPA officials said water from Gold King is being captured and treated at a system of impoundments before being discharged to Cement Creek. Authorities have constructed four ponds at the mine site, which are treating water to remove as much metal loading as possible.

As Cohen pointed out, the government has few options.

"Even some of these treatment systems, what you see is these very basic systems," he said. "We're talking about a hole in the ground that's lined where you throw some lime in. That's only going to go so far."

**Elko Daily Free Press:**

http://elkodaily.com/news/opinion/editorial-what-s-worse-than-a-toxic-mine-upstream/article_926053d5-bd9c-5680-912b-57babfaf5749.html

**Editorial: What's worse than a toxic mine upstream?**

The August 5 spill from the old Gold King Mine near Silverton, Colorado, occurred after state and federal regulators miscalculated the water pressure in one of its retention ponds, according to recent news reports. The EPA apparently knew of the danger more than a year ago but did little to address it or plan for what might happen.

This was one of those rollercoaster stories in which officials grossly underestimated the extent of the spill at first, then grossly overestimated the danger from it.

Congress is having the inspector general look into the incident, and a probe is planned when members return from vacation.

"This was under EPA administration and the fact that it was not maintained in a way or operated in such a way that led to this is a hit on the agency," U.S. Rep Mark Amodei told the Free Press during a visit here last week. "The fact that it got into the tributaries of the Colorado is strictly on the people who are supposed to be the cops on the beat."

The EPA will likely be asked to explain why it took so long to release some documents – which were heavily redacted – and failed to produce others.

We think the tempest will be much calmer by the time Congress gets a handle on it. At one point, heavy metals from the 3 million gallon spill reached five times the federal standard. Now, nearly a month later, the waste has settled and things are pretty much back to normal.

It's not the heavy metals themselves that are the problem – they exist naturally throughout the landscape – it's the high concentrations left by mining operations done prior to the extensive environmental precautions that are now required from mining companies.

This summer's spill isn't the worst to occur on the Animas River, according to High Country News: "In 1975, a dam failure dumped 50,000 tons of metal tailings, leaving the river looking 'like aluminum paint.'" In fact, mines in the region have leaked tailings for more than a century.

It's a common problem throughout the West. According to the EPA, as many as 350,000 contaminated sites will require cleanup over the next 30 years, at an estimated cost of $250 billion.

The EPA has already accepted full blame for the leak. Other than making a bad judgment call, we think the agency will pull through any controversy unscathed. Some critics are already turning the focus on local officials, blaming Silverton and San Juan County for rejecting Superfund aid in the past, because of the stigma it brings. With the latest scare they seem to be changing their tune — sort of.

One county commissioner complained that Superfund status would actually slow any cleanup because of the amount of bureaucracy it brings, according to a report in the Denver Post.

Peter McKay also said he hopes that by going to Congress now, while the issue is hot, the county could "bypass a designation that might bring with it controversy."

That's a sad commentary on how the Superfund is perceived three decades after the program was started to deal with situations just like the one in Colorado.

Environmental mishaps will continue as long as the cure is considered worse than the disease.

**From:** Gong, Kristiene
**Sent:** Wednesday, September 02, 2015 10:36 AM
**Subject:** RE: CO Mine Spill Clips - 9/2

**KRWG (NM):**

http://krwg.org/post/navajo-president-requests-help-fema-after-mine-spill#stream/0

**Navajo President Requests Help From FEMA After Mine Spill**

By NEWS EDITOR AND PARTNERS • 3 MINUTES AGO

Navajo Nation President Russell Begaye is asking the Federal Emergency Management Agency for help in the tribe's recovery from a mine spill.

The Aug. 5 spill from the Gold King mine near Silverton, Colorado, sent toxic sludge into waterways including the San Juan River that flows through the reservation.

Begaye issued an emergency declaration and restricted tribal members from using the water for drinking, agriculture and livestock.

In a letter Tuesday, Begaye asks FEMA to appoint a recovery coordinator to the tribe, saying the agency is best positioned to assess the short- and long-term impacts, determine priorities and support recovery.

The tribe has been critical of the U.S. Environmental Protection Agency's response to the spill.

A spokesman for FEMA didn't immediately return a message Tuesday from The Associated Press.

**Salt Lake Tribune:**

http://www.sltrib.com/home/2901773-155/utahs-bishop-chaffetz-say-epa-knew

**Utah's Bishop, Chaffetz say EPA knew mine spill was likely but didn't act**

By RACHEL PIPER

First Published Sep 01 2015 10:21PM • Last Updated Sep 01 2015 11:06 pm

Two congressmen from Utah say that if the EPA knew Colorado's defunct Gold King Mine was likely to release contaminated water, it should have taken action — or at least done a better job of responding after a contractor accidentally sent 3 million gallons of mine waste into the Animas River last month.

Reps. Rob Bishop and Jason Chaffetz expressed as much in a letter to the Environmental Protection Agency, dated Monday, in advance of a joint House committee investigation into the spill.

The two Republicans — Bishop is chairman of the Natural Resources committee and Chaffetz leads the committee on Oversight and Government Reform — asked for extensive documentation on the Aug. 5 mine breach, which sent bright yellow, heavy-metal-contaminated water and sediment gushing into the Animas River. The waste then flowed into the San Juan River, reaching New Mexico and Utah's Lake Powell a few days later.

The letter requests all documents on, among other topics, the EPA's decision to work at the Gold King Mine, its vetting of contractors, communication with federal agencies, local leaders and citizens, and discussions of designating the Gold King Mine or other mines as Superfund sites. It also asks for all photographs and videos of the work at the mine, the spill and damaged areas.

Joined by Rep. Cynthia Lummis, R-Wyo., vice chairwoman of the House Committee on Natural Resources, Bishop and Chaffetz say in their letter that internal EPA documents show the federal agency and the company it hired to work on the mine knew in June 2014 that a spill of mine waste was "an imminent possibility" and yet "has struggled to respond to the disaster."

The EPA initially announced that 1 million gallons of waste had spilled, a third of the actual amount, the letter says, and did not provide timely information to local officials affected by the spill.

The letter also asserts that the EPA asking a fellow executive-branch agency — the Department of the Interior — to review the spill raises concerns of the investigation being "susceptible to political influence" due to a lack of independence.

The three also sent a letter to EPA contractor Environmental Restoration, LLC — the company

whose work at the mine triggered the spill — to provide "all documents referring or relating to the Gold King Mine," as well as information on any violations by the contractor since 2000.

Bishop, Chaffetz and Lummis request that all information be provided by Sept. 14 at 5 p.m. The two committees will meet Sept. 17 to discuss the spill and the EPA's response.

"The toxic discharge affected the environment in at least three states and disrupted the livelihoods of nearly every person and business in the surrounding areas," the letter to Environmental Restoration LLC states. "The full damages and long-term consequences of the spill are still unknown."

Attorneys general for the three states have discussed taking legal action against the EPA over the spill, and Utah Gov. Gary Herbert declared a state of emergency last month.

**From:** Gong, Kristiene
**Sent:** Tuesday, September 01, 2015 4:47 PM
**Subject:** RE: CO Mine Spill Clips - 9/1

**Navajo-Hopi Observer:**

http://nhonews.com/main.asp?SectionID=1&SubSectionID=1&ArticleID=17078

**Begaye lifts irrigation restrictions on San Juan**

NENAHNEZAD, N.M. - Navajo Nation President Russell Begaye lifted restrictions on the San Juan River for irrigation purposes for the Chapters of Upper Fruitland, San Juan and Nenahnezad after the Gold Mine spill caused concern about contamination.

Begaye informed farmers during a meeting at the Nenahnezad Chapter House on Aug. 27. His announcement was met with applause from local farmers who have been under significant duress as a result of the Gold King Mine spill.

"I wanted to hear directly from the farmers that they are comfortable using the water from the San Juan River for irrigation purposes," Begaye said.

District 13 Council leaders put forth a reslution asking that the declaration of emergency be lifted for irrigation purposes in an effort to address, in part, the devastating economic impacts of the contamination of the San Juan River.

Navajo Nation Environmental Protection Agency (NNEPA) Director Dr. Donald Benn has determined that water from the San Juan River meets the Nation's water quality standards for the limited use of irrigation. This conclusion is based in part on NNEPA's test results, which are

consistent with those of other agencies testing the river. The NNEPA intends to continue testing and monitoring the water quality.

After receiving the resolution from District 13 Council, Begaye signed a directive to the Division of Natural Resources (DNR), ordering it to immediately flush the irrigation canals. After hearing from the farmers, Begaye opened the canals for irrigation purposes for Upper Fruitland, San Juan and Nenahnezad Chapters. Restrictions are not lifted for livestock. Vice-President Jonathan Nez said these steps must be taken to protect the farmer's livelihood but it is unjust that the Nation has been put in this situation.

According to Marlin Saggboy, irrigation supervisor for the Department of Water Resources, the canal system is flushed and it should have reached San Juan by sundown on Aug. 27.

At the meeting Upper Fruitland Chapter President Hubert Harwood talked about the urgency of lifting the restrictions.

"The drier things get, the harder it is to bring things back," he said. "What we need to do is turn the water on and save what we have left. Everybody is shooting for time here."

Moving forward, Begaye said NNEPA will continue to monitor the water from the San Juan River and test soil along the canal banks and riverbeds.

**Orange County Business Journal:**

http://www.ocbj.com/news/2015/sep/01/hueston-represent-navajo-nation-spill-claims/

**Hueston to Represent Navajo Nation in Spill Claims**

JANE YU, Tuesday, September 1, 2015

Orange County attorney John Hueston has been tapped to represent the Navajo Nation in a lawsuit against the U.S. Environmental Protection Agency.

The suit claims that the EPA's accidental spill last month at the Gold King Mine in Colorado, which released 3 million gallons of toxic water, also contaminated the San Juan River, a primary water source for the tribe.

Hueston is a founding partner of Hueston Hennigan LLP, which has offices in Newport Beach and Los Angeles.

The former partner at Irell & Manella LLP previously represented the Navajo Nation and other tribes in securing a $5.15 billion settlement with Anadarko Petroleum Corp.

**From:** Gong, Kristiene
**Sent:** Tuesday, September 01, 2015 12:32 PM
**Subject:** RE: CO Mine Spill Clips - 9/1

**The Hill:**

http://thehill.com/blogs/congress-blog/energy-environment/252331-the-epa-river-spill-tale-of-two-cleanups

**The EPA river spill: Tale of two cleanups**

By Daniel McGroarty

Imagine this story on our TV screens tonight:

Breaking News: An engineering crew working heavy digging machinery at an old mine site "inadvertently unleashed into a tributary of the Animas River a …million-gallon soup of toxic mining wastewater."

The spill is soon revised upward to 3 million gallons. The media calls for comment: "…This is just something that happens when we're dealing with mines sometimes," says an official associated with the group that caused the spill.

Seven days later, a senior executive ventures out to the spill site – well, out to a microphone stand within 55 miles of the site, which after all "is a significant distance away" over unpaved roads – and pronounces that "the river seems to be restoring itself."

Imagine the outcry against the company responsible for the spill, and the officials who uttered such callous comments.

After all, just last year, a West Virginia company spilled 10,000 gallons of chemicals into a nearby river – an amount surpassed in the Animas spill in the first ten minutes of a million-gallon torrent. Mine officials at the West Virginia company were given jail time, the company was fined and ultimately went bankrupt.

But that won't happen to those who caused the Animus spill. It won't happen because the engineering team worked for the U.S. Environmental Protection Agency. So don't expect to see the EPA official who offered the "this just happens sometimes" explanation frog-marched to jail – or Gina McCarthy, the EPA adminstrator who touted the river's restorative powers just one week after the spill, to lose her job.

In fact it's far more likely that the EPA's misuse of its authority will result in the agency gaining even more power.

That's what a retired geologist named Dave Taylor wrote in a Letter to the Editor to a local Colorado paper before the EPA disaster: "within seven days, this "grand experiment" in my opinion will fail, …with a toxic outflow to follow." The geologist offered a second prediction: "And guess what [EPA]… will say then? Gee, "Plan A" didn't work so I guess we will have to build a treatment plant at a cost to taxpayers of $100 million to $500 million…."

Cynical? Yes, but not half as much as anti-mining groups' rush to use a spill caused by the EPA at a mine closed in 1923 to put the breaks on mines being planned and permitted right now. EarthWorks -- whose director admitted in Congressional testimony that the organization had never judged a single U.S. mine as having met their standards -- declared the Animas spill reason for a wholesale revision of U.S. mining law. The Natural Resources Defense Council looked past EPA's role at Animas to take a swipe at the mining sector: "After this month's mine disaster on the Animas, there is even less reason to believe the self-serving, impossible promises of mining executives who claim that with good engineering, they can protect our waters for centuries."

Welcome to the topsy-turvy world of the anti-mining activist: It's a case of "What, Me Worry?" when the EPA pollutes a river – and an inconvenient truth when private sector cleans up a mining mess others left behind.

Which is precisely what's happening at a place called Holden Village in Washington State. The mess at Holden dates to mining done between 1938 and 1957. The mine owner who left the mess did one good deed: he signed the land over to a religious community to build a spiritual retreat that has welcomed thousands of pilgrims to the remote mountain region ever since.

But the mess remained, and in the decades that followed, the closed mine passed from one owner to another, and finally on to Rio Tinto when it bought Canadian mining giant Alcan in 2007.

After conducting soil and water tests and fashioning a reclamation plan, Rio Tinto set about a comprehensive cleanup that, all told, will take five years and $400 million -- as local media put it, "repairing a mountain where [the company] never once pulled out even an ounce of ore." But don't expect a Breaking News banner for this story.

Meanwhile, back in Washington, the EPA Administrator announced a "hiatus" for the EPA teams poking around old mine works across the United States. As for anti-mining activists who will seek to turn the EPA's disaster into an expansion of federal power over the U.S. mining industry, after Animas, forget a hiatus -- they'll be working overtime.

As for reform, here's an idea: whenever the EPA crews do go back to work, maybe the agency should run the next cleanup plan past that retired geologist who saw the Animas disaster coming.

**The Hill:**

http://thehill.com/policy/energy-environment/252361-navajo-nation-preps-lawsuit-against-epa-over-mine-spill

**Navajo Nation preps lawsuit against EPA over mine spill**

By Kevin Cirilli - 08/31/15 04:48 PM EDT

The Navajo Nation is preparing for a legal battle against President Obama's Environmental Protection Agency (EPA)

The tribe contends that the EPA's Aug. 5 accident in Colorado, which made national headlines after turning portions of the Animas River bright yellow, also leaked hazardous substances into the San Juan River — one of the Navajo Nation's primary water sources.

Now, they've hired law firm Hueston Hennigan LLP to represent them in what some are predicting could be a multibillion-dollar lawsuit expected to be filed in the coming weeks, as lawmakers on Capitol Hill prepare for a round of hearings examining the issue.

And heading their legal team is powerhouse attorney John Hueston, who was the lead prosecutor in the 2006 case against former Enron executives Kenneth Lay and Jeffrey Skilling, who were found guilty of fraud and conspiracy.

Russell Begaye — president of Navajo Nation, which totals roughly 300,000 people — also sent a letter to Federal Emergency Management Agency (FEMA) officials on Monday, calling on them to appoint a FEMA official to coordinate their efforts in the response to the spill.

"This expansion into Navajo lands via the San Juan River has critically impacted the River and its dependent ecosystems including wildlife, fish populations, and the land base adjacent to the River," Begaye wrote in the letter, first obtained by The Hill.

He said that "the nature of this toxic chemical spill will acutely and chronically impact the River and dependent ecosystem if immediate and effective corrective actions and remedies are not taken."

Navajo Nation Attorney General Ethel Branch said in a statement that the hazardous-material spill "has been devastating to our culture and economy, as well as to the peace of mind of our people.

"With unknown amounts of this fine sediment in our water we now face the risk of reliving this nightmare with every major increased water flow event affecting the river," she said in a statement.

EPA officials have previously announced that they've launched an internal investigation into the spill.

Navajo leaders say EPA officials accidentally released about 3 million gallons of water

contaminated with arsenic, lead and cadmium after officials were inspecting a mine.

**From:** Bressler, Lindsey
**Sent:** Monday, August 31, 2015 4:20 PM
**Subject:** RE: CO Mine Spill Clips - 8/31

**Daily Times (NM)**

http://www.daily-times.com/four_corners-news/ci_28733199/navajo-nation-ag-names-firm-represent-tribe-mine

**Navajo Nation AG names law firm to represent tribe in mine spill case**

Hueston Hennigan LLP also represented tribe in Tronox settlement

By Noel Lyn Smith The Daily Times

UPDATED: 08/31/2015 12:53:04 PM MDT0 COMMENTS

FARMINGTON — Navajo Nation Attorney General Ethel Branch has selected a southern California-based law firm to represent the tribe in a future lawsuit stemming from the Gold King Mine spill.

Hueston Hennigan LLP will represent the tribe "in its claims relating to the release of hazardous substances" from the mine, according to a press release issued today from the Navajo Nation Office of the President and Vice President.

The Environmental Protection Agency has accepted responsibility for the spill, which released more than three million gallons of toxic wastewater into the Animas River earlier this month. The plume of heavy metals then flowed into the San Juan River, which runs through the northern

portion of the Navajo Nation and converges with the Colorado River at Lake Powell in southeastern Utah.

Shortly after the Aug. 5 spill, Navajo Nation President Russell Begaye announced the tribe plans to sue the EPA. As of this afternoon, a lawsuit had not been filed, said Lisa Richardson, a spokeswoman for the law firm.

The spill prompted tribal officials to restrict the use of river water for irrigation, livestock and recreational purposes.

"The impact has been devastating to our culture and economy, as well as to the peace of mind of our people," Branch said in the release.

The litigation team will be led by attorney John Hueston, who represented the Navajo Nation and others in a lawsuit that secured a $5.15 billion settlement from Tronox last year.

"My firm is fully committed to this case, and we will make this matter a number one priority. Working alongside the attorney general of the Navajo Nation, our team will be relentless in our efforts to secure justice and fair treatment for the Navajo people," Hueston said in the release.

Noel Lyn Smith covers the Navajo Nation for The Daily Times. She can be reached at 505-546-4636.

**Denver Westword (CO)**

http://www.westword.com/news/report-taxpayers-not-getting-fair-share-of-fossil-fuels-hardrock-mining-7079177

**REPORT: TAXPAYERS NOT GETTING FAIR SHARE OF FOSSIL FUELS, HARDROCK MINING**

BY ALAN PRENDERGAST

AUGUST 31, 2015

It can often be difficult to assess the true costs of mineral extraction and energy production across the West. Take, for example, the massive blowout from the much-neglected Gold King Mine earlier this month, which sent three million gallons of metal-laced, toxic water into the Animas River, an orange plume that traveled across four states. The Environmental Protection Agency is still sorting through the supposedly corrective measures its contractors took that triggered the blowout, the convoluted history of rising water and pressure in abandoned mines in the area, and the long-term impacts on the affected rivers and their users.

Gold King hasn't been a viable mining operation for decades. The folks who extracted gold from that claim, and others like it in southwest Colorado, are long gone. So who gets the bill for these long-deferred (and yet to be determined) costs of post-production maintenance and remediation? We do, of course.

A rigorous accounting of mining and drilling activities across the West would have to include the costs of environmental clean-up. And the impact of methane and other emissions from gas and oil wells on air quality and climate change. And other "external costs" associated with public health issues and disruption of wildlife habitat. Not an easy set of calculations, certainly, but the folks at the conservation-minded Center for Western Priorities and the Center for American Progress, a nonpartisan but distinctly progressive-leaning think tank, have taken a crack at it. Their new report, Fair Share Scorecard, looks specifically at the costs associated with drilling and mining on public lands and what kind of return American taxpayers are getting for the exploitation of public resources.

Not surprisingly, the report finds that hardrock mining is the worst deal of all. The industry still enjoys the largesse of the 1872 General Mining Law, which allows mining companies to stake claims on public lands for less than five dollars an acre and pay no royalties at all. "Analysts have estimated that taxpayers lose out on at least $100 million annually in royalties on the mining of more than $1 billion worth of hardrock minerals, such as gold, silver, uranium, copper, and iron," the report notes.

But the scorecard is about more than just bargain-basement royalty deals. The report also looks at whether information about the industry and its operations on public lands is accessible (transparency), other negative impacts to taxpayers (like, say, a blowout at an "abandoned" mine), and whether there is much of a move to reform current working arrangements. Here's the gist:

[graphic online]

Considering the source, you might think the report would be more bullish on solar and wind farms on public lands. But the federal government is still thrashing out regulations to ensure taxpayers get a fair return, including megawatt capacity fees, similar to royalties on oil and gas production. Secretary of the Interior Sally Jewell has pledged far-reaching reforms in the way the government handles energy leases and royalty collection (a massive headache and source of scandal for many previous Interior chiefs, including Ken Salazar). But the scorecard suggests we still have a long way to go.

**EP News Wire**

http://epnewswire.com/stories/510636016-epa-releases-update-on-impact-of-gold-king-mine-spill-on-navajo-nation

**EPA releases update on impact of Gold King Mine spill on Navajo Nation**

Monday, Aug 31, 2015 @ 2:30pm

By EP News Wire Report

The Environmental Protection Agency (EPA) released a Gold King Mine spill update on Friday that included water quality and sediment level data in the Navajo Nation, and new public records and data sets on its response to the incident.

The spill was triggered on Aug. 5 by EPA investigation actions that discharged more than 3 million gallons of contaminated water from the mine near Durango, Colorado into the Animas River. From there, the heavy-metal laced water flowed into New Mexico, Arizona, Utah and the Navajo Nation.

Surface water and sediment samples from 11 locations in the San Juan River in the Navajo Nation show that it has reached pre-release conditions, according to the EPA update. This means that the samples also are below the Recreational Screening Levels according to both the Navajo Nation and EPA standards. The samples were tested for 24 metals, concentrations of which maxed out during the week of Aug. 10.

Additionally, the EPA has released documents on legal agreements, grant funding, contract work and a response summary from Colorado employees.

**KOB Channel 4 News (NM)**

http://www.kob.com/article/stories/s3893549.shtml#.VeSzPflVhHz

**Mine spill meeting scheduled in Farmington**

Created: 08/31/2015 1:43 PM

By: KOB.com Web Staff

Four Corners residents have another chance to meet with federal, state and local officials about the Gold King Mine spill.

According to the Farmington Daily Times, a meeting is scheduled for Tuesday from 3-8 p.m. at McGee Park.

Earlier this month, a mining accident north of Silverton, Colorado released more than 3 million gallons of yellow sludge into the Animas River.

Water tests by the Environmental Protection Agency, the state and KOB have shown it is safe to

drink.

**Smithsonian Magazine**

http://www.smithsonianmag.com/smart-news/wests-waterways-have-long-struggled-pollution-old-mines-180956450/?no-ist

**The American West is Full of Old Mines Threatening to Pollute Waterways**

Lessons can be learned from the recent spill in the Animas River

By Marissa Fessenden

8/31/15

Earlier this month, when clean-up efforts led by the Environmental Protection Agency accidentally resulted in a spill of millions of gallons of wastewater from a century-old mine into the Animas River of Colorado, it turned the water orange and alerted the nation to a problem in the West: There are tens of thousands of mines with the same potential.

The American West is full of what are called "hard rock mines" — mines designed to extract minerals like gold, silver, iron, copper and zinc. And each of those old mines has the potential to seriously pollute the environment, if not handled properly. A report issued Wednesday indicates that the EPA "lacked crucial information, including a reliable estimate of the volume of water inside the abandoned mine," reports Joby Warrick for The Washington Post. The report was written by EPA-appointed investigators.

While the report doesn't explicitly say that the EPA made major missteps or was lax in some duty, it does show what could be done in the future. Warrick writes:

"Given the maps and information known about this mine, a worst-case scenario estimate could have been calculated and used for planning purposes," the report stated. As it was, the EPA's team was "lacking emergency protocols in the case of a significant flow or blow out," the document said.

The EPA was attempting to drain an old mineshaft of contaminated water at the Gold King Mine when an unexpected collapse sent the water into the river. The contaminants in the water weren't introduced by miners years ago, but rather the result of opening up the rock and exposing it to water and oxygen. The resulting chemical reactions produce acidic water that dissolves heavy metals that can be toxic to fish and insects, explains Jonathan Thompson for High Country News. Without the EPA's clean-up efforts, that water would have seeped into waterways anyway. Fish have already been struggling in the Animas for years.

That same problem could be building in many other mines. For Clapway, Kerry Martin writes:

In Colorado, 230 of these have been slowly secreting their water into major waterways for years, and across the West, 40% of river headwaters are polluted by acid mine runoff. Even without the added pressure of cleaning up the Animas River mess and answering people's demands, the E.P.A. has its work set out for it.

While the full effects of the spill on the Animas River have yet to be understood, perhaps the first can be the greater awareness that old mines are a problem stretching across the West.

**Washington Examiner**

http://www.washingtonexaminer.com/epa-issues-new-rules-to-protect-drinking-water-amid-toxic-spill-scrutiny/article/2571134?custom_click=rss

**EPA issues new rules to protect drinking water amid toxic spill scrutiny**

By JOHN SICILIANO

8/31/15 3:13 PM

The Environmental Protection Agency proposed two new rules Monday to protect drinking water from harmful waste chemicals, amid criticism that a toxic spill the agency caused in the West earlier this month has done just the opposite.

"One of the proposed rules will protect waterways, including drinking and surface water, by preventing the flushing of hazardous waste pharmaceuticals and simplifying the requirements for healthcare workers," the agency said. "The other rule will provide greater flexibility to industry while requiring new safeguards to protect the public from mismanagement of hazardous waste."

Overall, the agency says the rules will "strengthen environmental protection while reducing regulatory burden on businesses."

The two new rules come as both Democrats and Republicans are targeting a toxic wastewater spill that the EPA caused in Colorado that polluted the waterways of three states. A number of congressional hearings have been scheduled to examine the spill, which occurred Aug. 5 at the abandoned Gold King Mine in Colorado when an EPA contractor accidentally caused 3 million gallons of contaminated wastewater to spill into the Animas River.

The spill created a toxic yellow plume of heavy metals that polluted the waterways of Colorado, New Mexico and Utah. GOP lawmakers argue that the EPA has floundered in its duties to protect the nation's water resources to instead focus on more lofty policy goals such as climate change.

EPA assistant administrator Mathy Stanislaus, who coincidentally has been overseeing the toxic spill response in the West, said Monday's "proposals will improve the safety and health of our communities by providing clear, flexible and protective hazardous waste management standards."

The rules are not directly related to the mine accident, but the timing of the rules coincides with congressional and internal EPA investigations into the spill that have placed increased scrutiny on the EPA's clean water programs.

The EPA says the proposed pharmaceuticals rule will prevent the flushing of more than 6,400 tons of hazardous pharmaceutical waste that make their way annually into drinking water "by reducing the amount of pharmaceuticals entering our waterways."

The proposed rule will reduce the burden on healthcare workers and pharmacists working in healthcare facilities by creating a specific set of regulations for the facilities, including hospitals, clinics and retail stores with pharmacies and reverse distributors that generate hazardous waste.

"EPA's proposed generator rule will enhance the safety of facilities employees and the general public by improving labeling of hazardous waste and emergency planning and preparedness," the EPA said. "The proposal will also reduce burden by providing greater flexibility in how facilities and employees manage their hazardous waste and make the regulations easier to understand."

**From:** Bressler, Lindsey
**Sent:** Monday, August 31, 2015 10:13 AM
**Subject:** RE: CO Mine Spill Clips - 8/31

**ABC Channel 7 News Denver (CO)**

http://www.thedenverchannel.com/news/mine-disaster/4th-congressional-hearing-planned-on-gold-king-mine-blowout

**4th congressional hearing planned on Gold King Mine blowout**

1:37 PM, Aug 28, 2015

A fourth congressional hearing is planned on the release of tainted wastewater from a Colorado gold mine that affected three states.

The Senate Environment and Public Works Committee announced Friday it plans a hearing on Sept. 16. Environmental Protection Agency Administrator Gina McCarthy, whose agency accidentally triggered the release, is scheduled to testify.

Other planned hearings include the House Science, Space and Technology Committee, Sept. 9; the Senate Indian Affairs Committee, Sept. 16; and House Oversight and Natural Resources committees, Sept. 17.

An EPA-led cleanup crew triggered the 3-million-gallon spill Aug. 5. Wastewater polluted with potentially toxic heavy metals flowed downstream into New Mexico and Utah.

The EPA is under pressure to explain why it happened and how long it took to notify state and local authorities.

**Albuquerque Journal (NM)**

http://www.abqjournal.com/636415/opinion/epa-should-regulate-itself-just-like-any-other-polluter.html

**Editorial: EPA should regulate itself just like any other polluter**

By Albuquerque Journal Editorial Board

PUBLISHED: Sunday, August 30, 2015 at 12:02 am

If the Animas River disaster had been the result of work by a corporate mining enterprise, federal regulators would have had a field day publicly and loudly assessing blame, then requiring reams

of paperwork and levying penalties.

That's after they had pushed past the lines of politicians that would have been fighting for camera time along the riverbank.

The Aug. 5 torrent of toxic stew accidentally released during an Environmental Protection Agency attempt to clean waste water from the century-old Gold King Mine near Silverton, Colo., turned the river an electric orange. It contaminated waterways in three states with lead, arsenic, thallium and other heavy metals that can cause health problems and harm aquatic life. The plume traveled about 300 miles to Lake Powell on the Arizona-Utah border.

Since then, the response from the agency that is tasked with protecting the environment and the public from pollutants and hazardous practices has been underwhelming.

On Tuesday, Watchdog.org reported that Rep. Lamar Smith, R-Texas, chairman of the House Science, Space and Technology Committee, had blasted the EPA for not meeting the committee's deadline for producing documents related to the spill, for withholding essential information including the name of the project contractor and for delaying notification to New Mexico, Utah and the Navajo Nation, which rely on the river for drinking water and agriculture.

Smith also chided EPA Director Gina McCarthy for waiting a week before visiting the site and for refusing to visit Silverton.

Further, it turns out that although the EPA was aware of the potential for a catastrophic release of 3 million gallons of toxic chemicals from the old gold mine into the river, the agency didn't have an adequate plan to deal with that possibility.

The EPA's report of its internal investigation, released Wednesday, shows federal and state regulators underestimated the potential for a large volume spill from the mine, despite warnings received more than a year earlier that it was possible.

The report also said regulators wrongly concluded there was little or no pressure from the millions of gallons of water trapped inside the mine.

Other heavily redacted documents released Friday – why all the secrecy? – show an appalling lack of preparation for the eventuality of such a massive spill.

The site's 71-page safety plan only included the most basic of directives for dealing with a disaster. And even then, EPA workers didn't follow those sketchy orders to a T. It took them nearly a day to tell local officials of downstream communities about the mess that was coming their way.

This lackadaisical attitude toward the potential of such a disaster and the EPA's dismissive attitude toward the public afterward are unconscionable, especially for an agency charged with protecting the public's health.

And the agency's response and delay in producing answers thus far are very troubling.

Though several investigations are under way, the EPA should cooperate fully and openly with all of them. It's what the agency would expect a private operation to do in the same situation.

This editorial first appeared in the Albuquerque Journal. It was written by members of the editorial board and is unsigned as it represents the opinion of the newspaper rather than the writers.

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**Associated Press (via Cavache Valley Daily News)**

http://www.cachevalleydaily.com/news/state/article_aa87dd2f-d8d3-5b03-ae2e-064f1bf1f296.html

**EPA: Soil on Navajo Nation trending to pre-spill conditions**

Posted: Friday, August 28, 2015 4:58 pm | Updated: 8:00 pm, Fri Aug 28, 2015.

NENAHNEZAD, N.M. (AP) — The concentration of metals in the San Juan River on the Navajo Nation is returning to what it was before the release of toxic sludge from a gold mine reached the reservation, federal officials said Friday.

The U.S. Environmental Protection agency released new data of surface water and soil samples from nearly a dozen locations on the Navajo Nation. It showed that iron and other metals peaked in the week following the Aug. 5 spill from the Gold King mine near Silverton, Colorado, but they since have declined, the EPA said.

Communities off the reservation have reopened the San Juan and Animas rivers to recreation, agriculture and livestock watering based on similar data sets, the EPA said.

Navajo President Russell Begaye cleared the Fruitland Irrigation canal in northwestern New Mexico for reopening after it's flushed, which could happen this weekend. Farmers who use that system met with Begaye on Thursday in Nenahnezad and asked him for help relieving their wilting crops. Some fields went dry while other farmers hauled water for their plants.

Not all of the tribal irrigation systems along the San Juan are reopening. Farmers in Shiprock voted last week to keep the canal closed for a year over concerns about soil contamination. Farmers further downstream have not submitted official resolutions to Begaye's office.

"We're talking directly to the farmers," said Meghan Cox, a spokeswoman for the Navajo Nation. "The ones that are most affected by it are the ones the president is making sure are weighing in."

Navajo Nation Council Delegate Alton Joe Shepherd sponsored legislation to restore the water in all irrigation systems dependent on the San Juan River and let each farmer decide whether to open head gates. It's eligible for committee action Wednesday following a public comment period.

The tribe's testing of surface water determined it was safe to use for irrigation. Tribal tests of the soil have not been completed, said Lillie Lane, a spokeswoman for the Navajo Nation Environmental Protection Agency.

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**Arizona Daily Star (AZ)**

http://tucson.com/business/local/groups-asks-feds-to-tighten-mining-rules-in-light-of/article_8af8bdc9-7762-544d-9590-8bdc245652fa.html

**Groups asks feds to tighten mining rules in light of spill**

August 29, 2015 9:00 am

By Tyler Scholes

PHOENIX — Citing the release of millions of gallons of toxic wastewater into a southwestern Colorado river earlier this month, a coalition of conservation groups, two Arizona Native American tribes and two county governments petitioned federal agencies to tighten mining regulation on public lands.

The groups, led by the Grand Canyon Trust, pointed to dangers from "zombie mines," which reopen after not operating for long periods. Tuesday's petition said regulations governing mining, particularly for uranium, fail to prevent water pollution, soil contamination, harm to sensitive species and more.

"Five million people visit the Grand Canyon every year. What if the water had arsenic or uranium in it?" said Kevin Dahl, Arizona program manager for the National Parks Conservation Association. "Every visitor would have to bring in his own water.

"We would have to close up the park. Can you imagine closing one of our national landmarks due to toxic waste?"

The petition, addressed to the directors of the departments of Interior and Agriculture, the Bureau of Land Management and the U.S. Forest Service, seeks regulatory changes to:

Limit approved plans for mining to 20 years, with the option to renew for 20 years;

Require regular inspections by the BLM and Forest Service;

Require supplemental environmental reviews and new approvals to resume mining at sites that have been out of operation for at least 10 years;

And add deadlines for launching and completing reclamation at inactive or closed mines.

Mining companies should cover the cost of the changes, said Anne Mariah Tapp, energy program director for the Grand Canyon Trust.

"These are companies that make large amounts of money off of what is essentially a public resource," she said. "These are lands owned by the American people, so any costs related to these new and important regulations will go to the companies making the profit."

The Arizona Mining Association did not respond to the Arizona Daily Star's request for comment.

Three million gallons of wastewater containing zinc, copper, iron and other heavy metals spilled into the Animas River from the Gold King Mine near Durango, Colorado, on Aug. 5. The Environmental Protection Agency was inspecting the mine at the time. The Animas flows into a river that drains into the Colorado River at Lake Powell.

Emily Beyer, a spokeswoman for the Interior Department, which includes the BLM, said the agency is aware of the petition. While not commenting on it, she cited a news release announcing that the Bureau of Reclamation will lead the department's investigation of the spill.

A spokeswoman for the U.S. Forest Service, which is part of Agriculture, didn't respond to requests for comment.

The petition includes letters from the Coconino County Board of Supervisors and the Board of Commissioners in Colorado's San Miguel County, as well as support letters from the Havasupai and Hualapai tribes, whose reservations include parts of the Grand Canyon.

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**Daily Camera (CO)**

http://www.dailycamera.com/guest-opinions/ci_28723653/keith-robzen-good-thing-animas-river-turned-yellow

**Keith Robzen: A good thing the Animas River turned yellow?**

By Keith Robzen

POSTED: 08/29/2015 07:35:35 PM MDT

What if the latest environmental catastrophe in the heart of the Colorado Plateau had not been accompanied by a a visible aberration of the Animas River? The viral image of kayakers on the tainted but somehow oddly aesthetic yellow waters forced attention — of newspaper editors, TV news crews and consequently, the public, with its demands on the Environmental Protection Agency and other regulatory agencies to properly investigate the nature and extent of the toxins released into the river. But absent the altered appearance of the water, would the reporting of the contamination by the media and the EPA itself have been as forthcoming as it has been? And what of the public's response?

It has been reported by some sources that the would-be mine remediator that caused the breach was a company contracted by the EPA. Without the river's yellow coloration, would a contractor have attempted a fix on its own and possibly forgo proper reporting, figuring it could go unnoticed at least for the while it might take to stop the release? And even if promptly reported, would the lack of a visible marker to the contamination possibly moderate the response given this situation from media, the public and even the EPA itself?

These are obviously uncomfortable questions to ask. But we are a culture of the obvious, so I ask them. Our proclivity to be more concerned about things which present to us via our senses is well known. Sir Paul McCartney famously stated that, "If slaughterhouses had glass walls, everyone would be a vegetarian." ( I personally believe more would convert if they could see first hand the conditions on feedlots). The point is, however, that things that present to our senses, more than scientific data, are what become salient and worthy of investigation to most of

mainstream media, the public and, well, sometimes even government bureaucracies.

I suspect that many folks likely imagine a stronger response to this catastrophe by virtue of "the Yellow." And this is unfortunate given the current profusion of mining and drilling project proposals all around the country and particularly in the West in and around what is all of America's natural heritage wilderness areas and vitally important water resources. Certainly not all failures of environmental projects come with such a commanding spectacle.

Perhaps now, because of the Animas River catastrophe which is now affecting the San Juan and Colorado rivers, the public will demand more input on projects and more rigorous mining and drilling Environmental Impact Statements before any new mines and oil and gas fields are developed. Hopefully it will also be the animus for more public insistence on greater protections for all of our cherished natural heritage sites.

Keith Robzen is a nature photographer based in Boulder.

**Daily Times (NM)**

http://www.daily-times.com/four_corners-news/ci_28726385/gold-king-mine-meeting-tuesday-at-mcgee-park

**Gold King Mine meeting Tuesday at McGee Park**

Federal, state, local officials to answer questions one on one

By Dan Schwartz The Daily Times

UPDATED: 08/29/2015 06:49:49 PM MDT0 COMMENTS

FARMINGTON — Federal, state and local officials will gather Tuesday at McGee Park for a public event to answer more questions about a mining accident in Silverton, Colo., that released more than 3 million gallons of toxic waste into the Animas River.

"If people have not gone to any of the meetings and they still have questions, this is the most valuable meeting they can go to," said Bonnie Hopkins, New Mexico State University San Juan County Extension Office agriculture agent.

The meeting is scheduled for 3 to 8 p.m. in the fairgrounds' multi-use building.

Experts on soil, agriculture, water and other topics will be stationed at booths to answer questions one on one. Officials will be present who can help analyze water-quality test results and explain claims processes.

Hopkins said the event will be like an open house, in which people can walk from booth to booth with specific questions. It won't be like many of the other public meetings related to the spill, she said, some of which have lasted hours.

Officials from the Environmental Protection Agency, New Mexico Environment Department, county emergency management office, New Mexico Office of the State Engineer and New Mexico State University, among others, will be present.

For more information, call either San Juan County Emergency Management at 505-334-7700 or Hopkins' office at 505-334-9496.

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**Denver Post (CO)**

http://www.denverpost.com/news/ci_28720782/navajo-nation-reopens-irrigation-canal-3-weeks-after

**Navajo Nation reopens irrigation canal 3 weeks after mine spill**

The Navajo Nation says other stretches of the San Juan River remain closed

By Jesse Paul

POSTED: 08/28/2015 04:02:13 PM MDT

The Navajo Nation reopened an irrigation canal along the San Juan River in New Mexico on Friday, more than three weeks after a 3 million-gallon mine wastewater spill upstream in Colorado.

Robert Joe, chief operations officer for the tribe's president and vice president, says beyond the Fruitland, N.M., canal, the river and all other extensions remain closed. The news came as the Environmental Protection Agency, which caused the spill at the Gold King Mine near Silverton, announced Friday that metal levels in the San Juan through the tribe's land are trending toward pre-disaster conditions.

The EPA concentrations of iron and other metals spiked in the San Juan after the spill, the agency says.

The Navajo Nation earlier in the week decided not to reopen the river despite EPA data released Aug. 19 showing water quality rebounded from the major mine wastewater spill upstream. The tribe said Friday's reopening was done after tests by the Navajo Nation Environmental Protection Agency confirmed the water quality. The Associated Press contributed to this report.

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150829/NEWS01/150829538&source=RSS

**'Not all mines are created the same'**

# Minerals in La Plata Mountains mines not equal to San Juan Mountains mines

By Jonathan Romeo

Herald Staff Writer Article Last Updated: Saturday, August 29, 2015 8:55pm

Water contamination from mining in La Plata Canyon is not comparable to the area near Silverton because of the different types of minerals that were extracted.

When the sickly orange plume of mine runoff barreled through downtown Durango on Aug. 5, it reignited a longstanding problem: contamination leaking into national waterways from inactive or abandoned mines.

Colorado officials estimate 230 such mines are leaking toxic waste statewide, and the Environmental Protection Agency said that adds up to about one Gold King Mine spill every two days.

But to the west, the La Plata River is a different story. Though surrounded by a number of old mining sites, runoff there does not pose the same risk to the natural habitat as the wastewater that seeps out of the mountains north of Silverton.

"It's really important to recognize not all mines are created the same," said David Gonzales, a professor of geosciences at Fort Lewis College.

La Plata Canyon does have a rich history of mining, with Mayday, Bessie G. and Copper Hill Glory Hole among the more notable sites. But even the largest mine in La Plata Canyon pales in comparison to the networks found in the Silverton Caldera, namely Gold King, Red and Bonita, Mogul and expansive Sunnyside.

It is the minerals in the mountains that surround the La Plata River that are far more responsible for lack of pollution in the waters. Simply put, the canyons there are not made up of the same

stuff that creates acid rock drainage.

Gonzales said when sulfite minerals – commonly pyrite – interacts with air and water, the sulfur is converted to sulfate. That makes acid, which can attack rocks over time and cause the release of toxic metals, such as cadmium, copper, lead, arsenic, manganese and zinc.

The product is acid rock drainage, which has been called a number of things in the wake of the Gold King Mine spill: wastewater, mine runoff, toxic spill, orange sludge.

The San Juan Mountains have high concentrations of these sulfite minerals – as evidenced by Red Mountain's color – that produce acid rock drainage naturally through fractures and fissures.

But when miners came along and tunneled through the mountains, they opened large and easy ways for water to flow, picking up sulfites along the way and allowing for large drainage into waterways. The result has been disasterous: Cement Creek, a tributary of the Animas, is never expected to be hospitable to aquatic life, and trout populations in the upper Animas continue to decline in alarming rates.

In the La Plata Mountains, sulfites are present, but nowhere near the same concentration levels as the San Juans. In the areas where the mineral can be found in larger masses near Gibbs Peak and the Copper Hill Glory Hole mine, the pH in the water returns to normal by the time it reaches the La Plata River.

"Nature has taken care of the problem just by allowing the water to interact with different natural systems – rocks, bogs, vegetation – that help remediate it naturally," Gonzales said.

A report from the Colorado Geological Survey in 2000, as well as a 1993 thesis from Northern Arizona University, confirms pH levels at the high-elevation concentration zone are about four to five – that of beer or coffee – and then return to the normal measure of seven. Gonzales said the ecosystem there is not under the same level of pressure as the Animas.

"You see a trickle here and there, but the discharge of water in most mines are low," Gonzales said. "You don't see the discharge of water on the same scale. That has to do with snow, groundwater, things of that sort."

Gonzales added that none of the mines in the La Plata Mountains were plugged with bulkheads, as was the case with the massive mining networks at Sunnyside, which some officials believe was responsible for the eventual collapse at Gold King.

That practice, which Animas River Stakeholders Group coordinator Peter Butler called an "experiment," allowed for a massive buildup of acid rock drainage that more often than not results in a major blowout.

"When you have a high concentration like that, nature has a hard time taking care of it," Gonzales said. "The volume of stuff released from Gold King never would have happened naturally, unless something naturally plugged it up."

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150828/NEWS01/150829613/How-to-compensate-%E2%80%98stigma%E2%80%99-of-Gold-King-Mine-spill-

**'Stigma' from Gold King Mine spill into the Animas River could linger**

Businesses may be able to recoup losses

By Jonathan Romeo

Article Last Updated: Friday, August 28, 2015 10:17pm

Unsure of the economic losses the "stigma" of the Gold King Mine spill will have on businesses and property owners, an environmental litigation firm held a discussion Friday about the rights and remedies for affected interests.

Passengers aboard the Durango & Silverton Narrow Gauge Railroad were among the first to see the mustard-yellow mine wastewater in Animas River after the Aug. 5 accident at the Gold King Mine. In the days after the spill, some train passengers canceled their trips. Almost a month after the spill, some tourists are still calling ahead to ask if Durango's drinking water is safe.

Because the Environmental Protection Agency set off an estimated 3 million gallons of contaminated mine runoff while trying to improve conditions at the mine, financially impacted parties can apply for reimbursements.

What complicates an already arduous application process is trying to gauge the spill's long-term economic impact.

Some fear the frenzy of images broadcast around the world when the Animas River turned a sickly orange for more than 12 hours could have an effect for years to come.

"Stigma is the perception of the public, even after fixing the problem," said Tom Alleman, an attorney at Dallas-based Dykema Cox Smith. "The Animas had brand damage."

Alleman told the crowd of about 20 people Friday at the DoubleTree Hotel that the state of Colorado does allow individuals to file claims for compensation for stigma damages, but those kinds of situations aren't common and can be subjective.

He said the law lists stigma damage as an event that is not "reputationally enhancing," and in the case of the Gold King Mine spill, that might be easier to prove.

Jack Llewellyn, executive director at the Durango Chamber of Commerce, said it's too early to

tell the long-term effect the spill will have on the city's tourism industry, but there is no denying the hit river-related businesses took in the immediate aftermath of the blowout.

"We definitely saw an impact, and it directly affected the river-rafting industry. It was like shutting down Main Street at Christmas time," Llewellyn said, referencing the fact that August is a critical revenue month for summer tourism businesses.

Llewellyn added that just the other day, a woman bringing 20 senior citizens to the area called ahead to ask if the water was safe to drink, and it's that skepticism he fears might influence other visitors to choose a different destination when making vacation plans.

Durango & Silverton Narrow Gauge Railroad Owner Al Harper said the train suffered some cancellations at first, but ridership rebounded rather quickly. Most of the railroad's projected 183,000 riders come from outside Durango.

He's more concerned about how stakeholders of the mining network north of Silverton will implement a wastewater-treatment plan.

And that brings in yet another layer of "stigma" in connection to the Gold King Mine spill: a Superfund listing, which is an EPA program that cleans up hazardous waste sites.

Since the spill, there has been considerable pushback from Silverton residents who believe visitors will fear and avoid the small tourism town if it is designated a "Superfund" site and prefer to explore other options.

However, those in favor of the Superfund argue the stigma of a town that refuses to clean up once and for all a history of unregulated mining regulations that have tainted the Animas for decades is far worse.

Harper, who also owns a hotel in Silverton, said residents of the town may be more open to the

Superfund designation if the EPA draws clear lines of where the boundary extends.

"Let's face it, the city limits of Silverton have not been polluting the river," he said. "We need to make clear the mining area is a Superfund; Silverton is not."

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150828/NEWS01/150829577/-1/taxonomy/Source-of-mine-water-a-mystery-

**Source of Gold King Mine water a mystery**

La Plata County commissioners get tour of site

By Jessica Pace

Article Last Updated: Friday, August 28, 2015 10:18pm

SILVERTON – More than three weeks after the Gold King Mine shaft was breached, on-site workers remain uncertain about where all the water is coming from.

On Friday, La Plata County commissioners Julie Westendorff and Brad Blake toured the mine site with on-scene coordinator Steve Wade of the Environmental Protection Agency.

Commissioners planned to tour the leaky site several months ago before contract workers accidentally discharged an estimated 3 million gallons of acidic wastewater Aug. 5, but that tour never took place.

The portal, Wade said Friday, is emitting about 600 gallons of water per minute – a development that followed the spill. The stagnant water near the mouth of the mine has an orange hue. Nearby rocks are stained from the blowout. The water turns clearer as it flows downhill into four treatment ponds.

The road leading to the mine was partially wiped out by the blowout, and some of the 30 workers on scene are trying to make it more accessible.

Animas River Stakeholders Group coordinators said in years past, the mine would, at most, emit 250 gallons per minute. Officials have not identified the specifics behind the heavier flow.

An EPA-contract team caused the spill by improperly estimating water pressure behind a dirt barrier above the mine portal holding back the orange sludge.

Now, contractors and officials are working on a tight deadline for remediation over the next six weeks as they explore long-term solution options for treating the wastewater.

A solution could involve bulkheads – or thick concrete barriers that hold back water – or a wastewater-treatment system, which could cost more than $1 million annually to operate.

"Treating water forever is an option out there, but it requires a whole lot of money and planning to get there," Wade said.

ARSG members have withheld opinions on Superfund money for Silverton, though 25-year Durango area resident Clark Lagon said the town needs federal funding.

"They're worried about their reputation if they get Superfund, but they've already lost it," he said. "I hold both the EPA and Silverton responsible. They should have addressed this a long time ago."

As officials work to upgrade the portal and surrounding area before the winter, they hope to uncover unknowns about the mine, including why it is discharging so much water.

"We're producing more water now than we ever have out of this portal that we know of, maybe two or three times as much," ARSG co-coordinator Steve Fearn said.

"What the hell is going on? That's the question."

On Friday, the EPA also released additional sampling data from the San Juan River in the Navajo Nation, reiterating that water conditions have trended to pre-spill status.

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150828/NEWS01/150829612/Mining-law-ties-the-hands-of-government---

**Antiquated mining law hamstrings cleanups**

Dating back 143 years, few mandates exist for reclamation

By Peter Marcus

Article Last Updated: Sunday, August 30, 2015 10:13pm

DENVER – Outdated hard-rock mining laws enacted in the 1870s tie the hands of the federal government to curb pollution that contaminates water supplies, as was the case with the Gold King Mine spill.

Perhaps the most significant deficiency comes in the form of a "free and open" provision of the Mining Law of 1872, otherwise known as a "right to mine." Limited reforms have been made to the law over the last 143 years, leaving in place a provision that prohibits the federal government from blocking a mine from opening or even collecting royalties from operations.

The law also left little to government regulation, falling in line with the theme of Manifest Destiny from Western expansion in the 19th century. When the nation's mining laws were crafted, the goal was settlement, not environmental regulation.

"The 1872 mining law is the freest ride of all free rides on the books," said Roger Flynn, an adjunct professor at the University of Colorado School of Law and the director and managing attorney of Western Mining Action Project, a nonprofit that handles hard-rock mining cases.

When the Animas River turned orange Aug. 5 from an error by an Environmental Protection Agency-contracted team – an ill-fated reclamation effort at the Gold King Mine that instead sent an estimated 3 million gallons of sludge into the river – the public immediately began to point fingers.

Just who holds the liability remains unclear. Flynn said some of the responsibility rests with the mine's owner, Todd Hennis. Some liability also may fall on the EPA, which became a sort of operator when it began working there.

But it's much more complicated than that. Gold King, near Silverton, became inactive in the 1920s. But the neighboring mine of Sunnyside also is entangled in the web. The mine became inactive in the 1990s, and ownership at the time reached an agreement with Colorado to install bulkheads in the mine. Since that mine was dammed, wastewater in nearby mines has increased.

Sunnyside Gold Corp., a subsidiary of Kinross Gold, entered into a consent decree, allowing for the mine to continue to leak heavy metals, while the company agreed to costly reclamation projects.

Judging by the disaster earlier this month, overall efforts have not been enough, which begs the question: How did it get to this point?

The simplest answer is money. The Mining Law of 1872 allows companies to extract billions of dollars worth of precious metals – such as gold and uranium – pay no royalties and avoid liability for environmental damage in several situations. Without the royalties, there is limited government funding for reclamation, and few burdens are placed on the companies themselves.

Over the years, beginning in the 1970s, the federal government began to take action on environmental issues, enacting laws around clean water and endangered species. But companies have found loopholes. One example is hiring experts to vouch for water quality.

Because the federal government is charged with the "free and open" provision under mining laws, officials often default to this clause. In other words, if the experts say the water is safe, and the government is obligated to let a company operate, then there's little recourse for regulators.

An option for reclamation is declaring an area blighted with a Superfund listing, which opens the doors to funding. But as was the case with Gold King, communities sometimes resist the federal listing, as they fear it leaving a stain. Flynn said the end result is a government that is rendered impotent.

"The 1872 mining law makes mining the highest and best use of the land," he said. "Whatever minerals you find on that are free. ... Agencies will say we can't say no to the mine no matter how destructive, unless you can prove there will be a Clean Water Act violation on Day 1."

The irony, of course, is that those violations don't occur until well after operations have begun.

"The feds don't have the ability on public land to say no – no matter how bad the idea is, how bad the place is – because of the 1872 mining law," Flynn said. "So, they permit these things all over ... and they allow potential pollution."

Observers hold little hope for reforms by a Congress already facing political gridlock on a host of other issues. U.S. Sen. Martin Heinrich, D-New Mexico, said he will introduce legislation that would allow for the collection of royalties to help cleanup efforts.

Republicans tend to lean toward empowering the private sector to act on reclamation through good Samaritan legislation, which would ease liabilities.

U.S. Rep. Scott Tipton, R-Cortez, has been active on the subject. He co-sponsored legislation in 2013 that would provide liability protections for cleanups of inactive mines under the Clean Water Act. A spokesman for Tipton said the congressman hopes to build on the effort.

"Congressman Tipton and his staff continue working through possible options with community leaders and stakeholders, as well as with Colorado's U.S. senators, with the focus on identifying the best possible solution to address the issue and pass through Congress," said Tipton spokesman Josh Green.

State Rep. Don Coram, R-Montrose, is not so sure that the answer is additional regulations, suggesting that there are new technologies out there that allow for cleaner mining activities. Coram has years of experience in hard-rock mining, having owned several mines, including uranium.

"I don't think the problem lies with what we're doing today. ... That changed. We do a lot better," he said.

"I'm not comfortable with the EPA being in charge," Coram said. "I would much rather that federal funding goes into letting the state run those projects."

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**Foothills Focus (AZ)**

http://www.thefoothillsfocus.com/082615-GameandFish.asp

**Game & Fish To Monitor Fish At Lake Powell, Lees Ferry, For Mine Spill Impacts**

8/26/2015

NORTH VALLEY – The Arizona Game and Fish Department, in cooperation with the Arizona Department of Environmental Quality, will collect a broad spectrum of environmental samples, both biological and physical, from the Arizona portion of Lake Powell as part of continued monitoring for potential impacts of the Colorado Gold King Mine spill.

The Lake Powell sampling effort will be followed by similar collections on the Colorado River at Lees Ferry, about 15 miles downstream of Glen Canyon Dam.

All samples, including fish tissue samples, will be collected by mid-October and analyzed for heavy metals. These data sets will be used to compare historical and future data in an effort to document any potential negative impacts to Lake Powell and the blue ribbon trout fishery at Lees Ferry.

ADEQ has completed sampling to characterize baseline water quality in Lake Powell and the Colorado River at Lee's Ferry and submitted those samples for analysis with the fastest possible turnaround time. ADEQ expects to receive lab results soon, which it will compare with Arizona surface water quality standards and historical data.

The already diluted contaminant plume will become even more diluted in Lake Powell. For context, the plume is estimated to be about nine acre feet of water, whereas the lake currently contains about 13 million acre feet of water at 50 percent capacity. Because of the retention time in Lake Powell, biologists estimate the plume may take 18 months to two years to reach Glen Canyon Dam.

"Although the dilution and travel times are great, the potential impact, both short term and long

term, to fish and other natural resources in Arizona must be properly evaluated," said Fisheries Chief Chris Cantrell.

Game and Fish will continue to work with ADEQ and other agencies in evaluating the environmental issues that may develop from the Gold King Mine spill.

**KRDO.com (CO)**

http://www.krdo.com/news/senator-visits-pueblo-talking-about-epa-accountability-helping-small-businesses/34983872

**Senator visits Pueblo talking about EPA accountability, helping small businesses**

Carl Winder, Multimedia Journalist, carl.winder@krdo.com

POSTED: 11:11 PM MDT Aug 28, 2015

Bennet visits Pueblo to discuss EPA and small businesses

PUEBLO, Colo. -

U.S. Sen. Michael Bennet wants to hold the Environmental Protection Agency accountable and help small businesses.

The Colorado senator was in Pueblo Friday. He was visiting Pewag Traction Chain.

Bennet said there will be a hearing regarding the EPA in September in Washington, D.C.

Bennet and other senators from Colorado and New Mexico want to know what caused the Gold King Mine spill that affected the Animas River. They also want to know the effects this has on

the river and the response.

"We are going to figure out how to hold the EPA accountable. We are going to figure out, over time, how we are going to have to water cleaned up," he said.

Bennet visited the chain making company, because he wanted to share a bill he supports that would help small businesses in the U.S. that would provide tax relief.

He said the bill would allow small businesses to expense up to $1 million to get new equipment, which in turn could lead to more jobs being created.

Right now, small businesses can expense $500,000 a year.

**Pagosa Daily Post (CO)**

http://pagosadailypost.com/2015/08/31/colorado-nm-senators-welcome-gold-king-spill-hearing-in-dc/

**Colorado, NM Senators Welcome Gold King Spill Hearing in DC**

BY SPECIAL TO THE POST · AUGUST 31, 2015

On Friday August 28, U.S. Senators Michael Bennet (D-CO), Cory Gardner (R-CO), Tom Udall (D-NM), and Martin Heinrich (D-NM) welcomed an announcement that the Senate Committee on Environment and Public Works will hold an oversight hearing on the harmful impacts of Gold King Mine spill that occurred in southwest Colorado.

The hearing, titled "Oversight of the Cause, Response, and Impacts of EPA's Gold King Mine

Disaster," will take place on Wednesday, September 16 at 10am ET in Dirksen Senate Office Building 406 with EPA Administrator Gina McCarthy as the witness.

Last week, the senators wrote a letter to the Senate Committee on Environment and Public Works Chairman James Inhofe and Ranking Member Barbara Boxer requesting the hearing. The letter reads, in part:

"… we believe that Congressional oversight of the spill should be done to ensure that Congress has a full understanding of the events that led to the release, the response to the release, measures to provide clean water and reimbursements for affected communities and ongoing monitoring to ensure clean water into the future. This knowledge will enable Congress to better understand and respond to the issues involved with ongoing cleanup of thousands of abandoned mines throughout our nation."

Here is the full letter:

[Letter online]

**Real Vail (CO)**

http://www.realvail.com/silverton-seeks-solutions-as-congress-sets-sites-on-epa/a2043

**Silverton seeks solutions as Congress sets sites on EPA**

By David O. Williams

August 29, 2015, 10:42 am

Editor's note: A version of this story first ran in The Colorado Statesman:

As Congress sharpens its knives for what will likely be multiple committee hearings on the accidental release by the U.S. Environmental Protection Agency of 3 million gallons of toxic mine wastewater into the Animas River on Aug. 5, local officials are focused on disaster relief.

Their pleas for congressional help come amid a chorus of criticism for the federal agency, which on Wednesday issued its own internal review of the blowout, concluding it was "likely inevitable" and caused mainly by an "underestimation of the water pressure in the Gold King Mine."

The EPA report and a separate Department of Interior investigation are unlikely to satisfy members of Colorado's congressional delegation who are calling for extensive hearings on the matter following the August recess, but Silverton town administrator Bill Gardner isn't particularly interested in the blame game.

"We, as Silverton and San Juan County staff … think that shouldn't be the conversation right now," Gardner told The Statesman. "The conversation in Congress, which is what we're going to need to find resources to remedy this problem, should be about what are the best steps for finding a solution?"

Silverton and San Juan County on Tuesday adopted a joint resolution calling for a concerted effort with other downstream communities impacted by the blowout to secure both short- and long-term federal disaster funding to stop the discharge, which has been occurring for years at a rate of up 800 gallons per minute. And there are several abandoned mines in that area that have been draining into the local watershed since the late 1800s.

That does not necessarily mean local officials are doing a 180 and suddenly seeking an EPA Superfund designation that might make additional federal remediation dollars available, although that is a possibility. Gardner says there are so many toxic sites on the EPA's National Priorities List and so little funding that a Superfund listing might not solve the problem.

Gardner acknowledges the role of the EPA going forward and the success the agency has had in mopping up the nearby Mineral Creek drainage and working with the local Animas River

Stakeholders Group to mitigate the situation in Cement Creek, which is devoid of aquatic life.

"So there has been some good work done, but the challenge comes with this sticking point about Superfund, and the concerns are real simple," Gardner said. "EPA is not funded the way it was in 1990. It simply has lost support for funding."

Some residents of the town of 650 have resisted Superfund listing because it might stigmatize a community now heavily reliant on tourism since the mining industry shut down. Silverton Mountain ski area owner Aaron Brill has in the past opposed Superfund designation for that very reason, although the popular ski resorts of Vail and Beaver Creek have not suffered from Superfund listing of the Eagle Mine that restored the upper Eagle River in the 80s and 90s.

But in 1995 Congress cut off a tax on petroleum and chemical imports that provided a steady trust fund of billions in cleanup resources. By 2003 the fund was unfunded, and cleanup efforts slowed dramatically with Congress paying for Superfund remediation out of its general fund.

In 2010, former EPA Administrator Lisa Jackson unsuccessfully lobbied Congress to reinstate the Superfund "Polluters Pay" tax, and Oregon Democratic Earl Blumenauer has introduced a bill to reinstate the Superfund tax in the current Congress, although its chances of success seem slim with both chambers controlled by Republicans.

Whether the Gold King and other nearby mines need to be plugged, a wastewater treatment facility needs to be built in the Cement Creek drainage, or some other scientific solution should be implemented, Gardner says Congress should fund a comprehensive long-term solution.

"The point is, we think we'd really be making a mistake if we use a Band-Aid approach," he said. "The easiest Band-Aid – and I'm not saying it isn't important, because it is – would be to just put the water treatment facility at Cement Creek. We need to look at the whole problem, and we think this could be a pilot program because we know there are thousands of mines throughout the Intermountain West that [are leaking toxins into watersheds]."

Meanwhile, the spotlight will continue to shine brightly on the EPA, with critics lining up on

both sides of the aisle. Democratic Reps. Diana DeGette of Denver and Ben Ray Luján of New Mexico this week fired off a letter requesting an EPA oversight hearing to Energy and Commerce Committee Chairman Fred Upton, a Republican.

Rep. Doug Lamborn, a Republican from Colorado Springs, sent a letter to EPA Administrator Gina McCarthy blasting the "blatant hypocrisy" of her agency, which he says would heavily fine or jail owners of a private company that caused such a disaster.

Of course, private companies – long since out of business – did leave the toxic mining waste surrounding Silverton. But they did it more than 100 years ago when there was no EPA. A Lamborn spokesman did not return calls and emails requesting additional comment by deadline.

Rep. Scott Tipton, a Cortez Republican whose district includes Silverton, has been equally critical of the EPA. A spokesman on Wednesday said Tipton will consider Silverton and San Juan County's request for federal disaster funding after the recess.

"With regard to federal assistance, Congressman Tipton's office is reviewing all of the options to determine what is most appropriate and doable," Tipton spokesman Josh Green said in an email, adding the EPA continues to drag its feet on providing information about the spill.

"Congressman Tipton has numerous inquiries into the EPA asking critical questions about how the spill occurred, and the EPA's response and communication following the spill, which was abhorrent and virtually non-existent," Green said. "The EPA to date has not been close to being responsive enough, and this will no doubt be a topic raised during future Congressional hearings and investigations."

Texas Republican Lamar Smith, chairman of the House Science, Space and Technology Committee, which will hold the first EPA oversight hearing, blasted the EPA for missing a Monday deadline he set for turning over documents related to the spill.

Two Utah state lawmakers went so far as to suggest the EPA may have intentionally triggered the Gold King blowout to force Superfund designation on Silverton.

Republican Colorado Attorney General Cynthia Coffman, along with her counterparts in Utah and New Mexico, is still weighing a possible lawsuit against the EPA, although some local officials in the upper Animas and San Juan River basins have blasted that idea as politically motivated.

Coffman spokesman Roger Hudson said via email on Wednesday that he had no new information on a possible EPA lawsuit, but added, "As you can imagine, that may change quickly."

Legislatively, Colorado's congressional delegation is split on party lines, with Republicans backing a Good Samaritan law that would absolve third parties such as state and local governments, nonprofits and mining companies from long-term liability during cleanups of old mines.

Democrats would like to not only pass Good Samaritan legislation but also reform the 1872 Mining Law to require royalties from companies mining on public lands. That money would create a cleanup fund for abandoned mines.

Silverton's Gardner, who came out of retirement to try to heal a divided town and was only on the job three weeks before the blowout, says Good Samaritan legislation is good starting point but Congress must quickly get off the EPA issue and come up with meaningful solutions.

"It's clear to me that the debate over who is going to administrate and find the solution is contributing to a serious delay in addressing the problem," Gardner said.

**Santa Fe New Mexican (NM)**

http://www.santafenewmexican.com/opinion/my_view/reader-view-mine-spill-colors-view-from-my-watershed/article_433697fb-d91e-5712-9d66-98b45b946254.html

**Reader View: Mine spill colors view from my watershed**

Barbara Turner

Posted: Sunday, August 30, 2015 7:00 pm

We all have our own relationship with the oil and gas industry. The relationship with oil and gas in my own community here in the Rio Chama Watershed has been one of trepidation.

The Rio Arriba Concerned Citizens group was formed here in the watershed when hydraulic fracturing, also known as fracking, was first proposed near the small town of Cebolla. We have never looked back in our dogged determination to educate ourselves, and then our community, about the dangers of this extractive industry. Local knowledge about our watershed from the confluence of cultures that reside here alongside the river, paired with our group's detailed study of the watershed geology and hydrology, has been a winning combination that has kept oil and gas extraction, and the culture that comes with it, away from our water, the lifeblood of our land. As it turns out, we have learned that clean water is the very thing we cannot live without.

In sharp contrast, the oil and gas sacrifice zone in the San Juan Basin to our west is mired in a culture that perpetuates nonconcern for the environment. Its relationship with oil and gas is cemented, and the result is an industrialized landscape, built by a largely transient worker population that rarely thinks in watershed terms and whose only real and powerful culture is its multigenerational ties to the oil and gas industry.

It is also no mystery that this industry tends to flourish where people are poor and need work. The industry's deregulation further seals this self-perpetuating deal, as it guarantees that money will be made by all without any upfront compensation required by the industry owners for the mitigation of damage to that very same community's environment and ethos.

The undeniable visual impact of the recent toxic mine contamination via the Animas River is a vivid illustration of an age-old unregulated and government subsidized industry that will continue to pose serious problems for many watersheds in the West for years to come. According to The New York Times, the drainage from these mines has compromised nearly 40 percent of the headwater areas of our Western watersheds. Blaming the EPA for the Gold King Mine mishap while trying to investigate the mess is the very definition of scapegoating.

I saw a striking picture of Gov. Susana Martinez's ashen gaze as she viewed the gold mine contamination flowing into Northern New Mexico and the San Juan Basin. I wondered if she might be reviewing her pro-industry stance on oil and gas fracking and deregulation in New Mexico and then drawing her own conclusions about how industrial contamination in water always seems to flow downriver, one way or another. We in the Rio Arriba Concerned Citizens

group came to this very conclusion about the fracking industry's potential for contaminating our watershed and the water flowing south to the rest of the state. Maybe Martinez will decide it's time to rewrite the rules and factor in the undeniable life that clean water provides to the state she governs.

Barbara Turner is a former bookstore owner and currently on the board of directors for Rio Arriba Concerned Citizens (www.rio arribaconcernedcitizens.com). She lives in the Rio Chama Valley.

**Summit Daily (CO)**

http://www.summitdaily.com/news/17897170-113/epa-prevented-toxic-brew-from-moly-mine

**EPA prevented toxic brew from moly mine**

QUESTA, N.M. – The Rio Grande flows past Taos. Could it have become as polluted from mining as the Animas River was through Durango, Colorado?

The Taos News asks that provocative question. Taos has a molybdenum mine near Questa, N.M., and one mine reclamation expert says that the potential was there for much worse pollution than what came from the Gold King Mine above Silverton, Colorado.

There were differences. The molybdenum mine operated at Questa until last year and its owner, Chevron, has deep, deep pockets. The Gold King Mine above Silverton, source of the pollution in the Animas River, hasn't operated in almost 100 years. It has owners, but not ones with deep pockets. And the inter-related mine workings above Silverton are far more complicated.

But New Mexico was galvanized in the 1990s by a fear that Molycorp, the owner of the molybdenum mine, would go bankrupt or simply abandon its mine. In time, says J.R. Logan, the reporter for the News, the underground molybdenum mine would have produced a toxic brew that would have caused damage far greater than seen this month on the Animas.

To prevent that from happening, the New Mexico Legislature adopted a law in 1993 that got tough with mining companies, says Jim Kuipers, a consultant on mine-related environmental and reclamation issues, with experience at both Questa and Silverton.

"New Mexico really got its act together," Kuipers said. Colorado, he added, was less aggressive in holding mining companies accountable for messes.

Even so, remediation action would probably have gotten bogged down in an endless legal battle had not New Mexico Gov. Gary Johnson, a Republican, invited participation by the federal Environmental Protection Agency.

"When EPA showed up, it's not like everyone was thrilled," Kuipers said. "But there was a recognition that, without EPA's authority, it wouldn't get done."

EPA since then has forced the mine owner to the table and has set in motion an $800 million cleanup that will be paid by the company. Kuipers says the Superfund process quantified how much damage the mine caused, and how much it would have to clean up.

Rachel Conn, of the Taos-based environmental group Amigos Bravos, tells the Taos News that details of specific remedies remain to be worked out at Questa. "But I think we're in a lot better position here then they are on the Animas River," she says.

ANIMAS RIVER WATER CLEAN ENOUGH TO CHUG

DURANGO, Colo. – Just how toxic was the spill of water from a gold mine into the Animas River?

Not as much as you might think, say government officials. Within a week of the spill, Colorado

Gov. John Hickenlooper was sipping from a bottle of river water, purified with iodine, just as backpackers do to eliminate giardia from backcountry creeks.

"If that shows that Durango is open for business, I'm happy to help," explained Hickenlooper. A former geologist and brewpub entrepreneur, Hickenlooper had once nursed fracking fluid, to demonstrate its relative safety. He didn't use iodine in that case.

In Durango, Mayor Dean Brookie also made the case for the safety of water drawn from the Animas River for drinking and irrigation. "I can assure you that the water coming out of your tap has been more highly tested than any bottle of water on the shelves of City Market," he said at a public meeting.

EPA toxicologist Kristen Keteles tells the Durango Herald that it's all about dose. "I keep telling people ... that the dose makes the poison," she said. "Even water can be toxic if you drink enough. And people are getting more arsenic if they drink apple juice or more mercury if they eat tuna than they'll get from the Animas River. We can't eliminate chemicals entirely."

As for dead fish in the Animas River. Yes, they've been seen and are being tested. But Joe Lewandowski, a spokesman for Colorado Parks and Wildlife, warned against making too much of them. "I don't want to underplay what's happened, but fish die, just like people die."

But downstream, on the Navajo Nation, tribal officials barred use of the water for fears of contamination. This will mean a reduction in this year's yield of corn seeds and pollen. "The corn is our sacred plant," Franklin Miller, who is helping organize the tribe's response to the Gold King Mine spill, told the Herald.

CRESTED BUTTE WANTS STATE BACKUP ON MINE

CRESTED BUTTE, Colo. – The spilled drainage from the mine above Silverton has caused Crested Butte and Gunnison County to consider the vulnerability of their situation. There, contaminated water from the old Standard Mine is cleaned up before it enters Coal Creek, which flows through Crested Butte, providing drinking water as well as water for recreational purposes.

But what if the mining company that operates the treatment plan should go bankrupt?

With that in mind, town and county officials last week sent a joint letter to the Colorado Department of Public Health and Environment requesting assurances that the state would step in and ensure water treatment. They say that local governments would be unable to respond adequately to the release of untreated mine drainage.

The Crested Butte News notes that the wobbly financial position of the mining company is a consideration, but so is the fact that the treatment plant uses outdated technology and now operates 20 years beyond its expected life.

**From:** Bressler, Lindsey
**Sent:** Friday, August 28, 2015 4:49 PM
**Subject:** RE: CO Mine Spill Clips - 8/28

**Associated Press (via Albuquerque Journal)**

http://www.abqjournal.com/635585/news/epa-workers-had-no-way-to-issue-warning-after-spill.html

**EPA: Workers had no way to issue warning after spill**

By Matthew Brown / The Associated Press

PUBLISHED: Friday, August 28, 2015 at 12:30 am

BILLINGS, Mont. – Members of a federal cleanup crew were initially trapped and unable to

warn downstream communities that they had accidentally unleashed toxic waste water from a Colorado gold mine, according to government documents released Thursday.

During that time, a trickle of water started by excavation work at the site grew to a torrent and 3 million gallons eventually poured out of the remote Gold King Mine near Silverton, fouling downstream rivers in Colorado, Utah and New Mexico.

The federal Environmental Protection Agency released the documents after coming under increasing political pressure to explain how the Aug. 5 accident occurred and why it took so long to issue the warning.

The documents show the site outside the mine was largely destroyed just 20 minutes after the spill began, with the rust-colored water also washing out the sole access road and submerging a Chevrolet Suburban used by the workers.

With no satellite phone or cellphone service, workers had to use a two-way radio to notify a state regulator inspecting another mine in the area. The state worker notified outside authorities 96 minutes after the spill was first triggered, according to the documents.

However, some downstream communities in New Mexico were not notified about the late-morning spill of the water laced with lead, arsenic and other heavy metals until the next day.

Another report on Wednesday summarizing the EPA's internal investigation appeared to minimize the agency's responsibility by suggesting a blowout was inevitable and likely could not have been avoided.

Information released so far by the EPA indicates few extra safety precautions were taken.

Members of Congress and Colorado's attorney general have said they're not satisfied with the explanations by the agency. "This new report cannot excuse their liability in causing the spill and

the negative impact it is having downstream," said U.S. Sen. John Barrasso, R-Wyoming. "The EPA will have to explain to the American people how this happened."

Barrasso chairs the Senate Indian Affairs Committee and has scheduled a Sept. 16 hearing on the spill. It's one of a series of hearings on the accident planned by Republicans once Congress returns from recess.

The EPA investigation also determined that federal and state regulators mistakenly concluded water pressure inside the mine was not high enough to cause an accident. That turned out to be wrong, and the pressure blew when the government cleanup team started work on the site.

EPA Deputy Administrator Stan Meiburg said Wednesday that underestimating the water pressure inside the mine workings "was likely the most significant factor relating to the blowout." The internal investigation also revealed that regulators could have drilled into the mine to better gauge how much pressure had built up, but did not.

The Associated Press reported Saturday that EPA managers knew that a release of "large volumes of contaminated mine waters" was a possibility as early as June 2014. The concerns were repeated in a May work plan from an agency contractor.

Other investigations are being done by the EPA's inspector general and the U.S. Interior Department. But Colorado Attorney General Cynthia Coffman said an outside review "is a must."

"I don't trust the EPA or this administration to investigate itself," said Coffman, a Republican. "It would never have allowed BP to investigate the Deepwater Horizon oil spill."

The toxic sludge released from the mine prompted the temporary shutdown of some public drinking water and irrigation systems, and tainted hundreds of miles of rivers.

Some farmers on the Navajo Nation who draw water from one of the affected rivers, the San Juan, want to keep irrigation systems shut down for at least a year to avoid contaminated sediments that experts say likely settled onto river bottoms.

**Associated Press (via Herald Extra)**

http://www.heraldextra.com/news/state-and-regional/utah/navajo-president-opens-irrigation-canal-after-mine-spill/article_0211aa44-d230-54d5-a9b8-d8f8f430a591.html

**Navajo president opens irrigation canal after mine spill**

8/28/15, 6:00 AM EST

NENAHNEZAD, N.M. (AP) — Farmers in the northeast part of the Navajo Nation will soon be cleared to resume using the San Juan River for irrigation after it was contaminated by the Gold King Mine spill.

The Farmington Daily Times reports (http://bit.ly/1NDIjR7 ) that Navajo Nation President Russell Begaye announced Thursday at a meeting with chapter officials that the Fruitland Irrigation canal, which delivers water to the Nenahnezad, San Juan and Upper Fruitland chapters will be opened. The chapters have been without water since the Colorado gold mine sent toxic sludge into the waterway on Aug. 5.

Begaye says the entire canal will be flushed before irrigation can start.

Shiprock Irrigation Supervisor Marlin Saggboy says flushing will begin as soon as he receives a written directive from the president. The canal could be full and ready as early as Sunday.

**Daily Times (NM)**

http://www.daily-times.com/four_corners-news/ci_28716934/navajo-nation-president-russell-begaye-oks-resuming-irrigation

**Navajo Nation President Russell Begaye OKs resuming irrigation for three chapters**

Canal will have to be flushed before irrigation can start

By Noel Lyn Smith The Daily Times

UPDATED: 08/27/2015 10:02:50 PM MDT0 COMMENTS

NENAHNEZAD — Farmers in the Nenahnezad, San Juan and Upper Fruitland chapters of the Navajo Nation were cleared Thursday to resume using San Juan River water for irrigation soon.

Navajo Nation President Russell Begaye gave the directive Thursday night to open the the Fruitland Irrigation canal, which delivers water from the San Juan River to the three chapters. Begaye made the announcement during a meeting with chapter officials and farmers inside the Nenahnezad Multipurpose building.

The chapters have been without water since the canal was shut down in response to the Gold King Mine spill.

Three million gallons of toxic metals were released on Aug. 5 from the mine, located north of Silverton, Colo., into Cement Creek, eventually flowing into the Animas and San Juan rivers.

Tribal officials subsequently restricted the use of San Juan river water for irrigation, livestock and recreational purposes for the section of the river the flows through the Navajo Nation.

In a presentation, Begaye said the entire canal will be flushed before irrigation can start.

"You'll have water that's good for irrigation," the president said.

Begaye added that the Navajo Nation Environmental Protection Agency will continue monitoring the water quality, and collecting soil and water samples for testing.

Shiprock Irrigation Supervisor Marlin Saggboy said flushing could start as soon as he receives the written directive from the president's office.

If flushing starts today, the entire canal should be full and ready to use by Sunday, Saggboy said in an interview after the meeting.

Upper Fruitland Chapter resident Cecil White was among many farmers who were satisfied by the decision to restore irrigation. White has 22.6 acres of farmland that grows corn and hay, as well as a pasture for his cattle and horses. Since the mine spill, White's fields have been without water, but he has been hauling water from the Upper Fruitland Chapter house for his garden and livestock.

But for Liz Newton, restarting the irrigation canal came too late. Newton's farm is located in the San Juan Chapter, and she tried to save three acres of melons, chile, cucumbers and squash by using bottled water. She estimated she purchased 30 cases of bottled water and refilled one-gallon water containers.

Her efforts were not enough, as she showed a Daily Times reporter a photo of withered melon vines.

Newton also grows corn. She said the produce is consumed by her family, and portions are frozen and used in the winter.

"It is too late for me," Newton said, adding that she will be clearing her fields next week.

Prior to Begaye's announcement, chapter officials expressed their concerns about how the shutdown was affecting farmers and advocated for the irrigation to resume.

San Juan Chapter President Rick Nez read portions of a recent District 13 Council resolution that called for irrigation to resume.

Upper Fruitland Chapter President Hubert Harwood said a number of questions remain unanswered in regard to the situation, including how short-term compensation would be handled for farmers.

Navajo Nation Attorney General Ethel Branch reminded the audience about the importance of recording and saving documentation related to their farming activity.

"Certainly, keep track of that," Branch said.

**Denver Post (CO)**

http://www.denverpost.com/opinion/ci_28718866/guest-commentary-gold-king-mine-owner-dont-shut

**Guest Commentary: Gold King Mine owner: Don't shut down Silverton mining**

By Todd C. Hennis

POSTED: 08/28/2015 12:00:00 PM MDTADD A COMMENT

As the owner of the Gold King Mine and a 33-year mining industry veteran, I was devastated by the mine's Aug. 5 blowout and by the photos of the Animas River turned orange.

Even knowing disaster on the mountain was inevitable, I was stunned by the real thing and that it happened at one of my mines. My heart went out to my friends in Silverton and to the communities downstream.

I'm also grateful the Environmental Protection Agency has taken full responsibility for the blowout, and I've been pleased with the cleanup work the EPA and the state have been doing. They've had my full cooperation.

Now, as the conversation expands to long term solutions, a newly available EPA report states outright that the water in the Gold King Mine comes from the neighboring Sunnyside Mine. That has been my contention for 14 years, and a warning I raised regularly in community and stakeholder meetings attended by the EPA.

Sunnyside's owner, the Kinross company, is therefore responsible for the cost of stopping Sunnyside water flow to other mines and for treating all Sunnyside water.

Beyond long-term water management, however, there's another question I know people are asking: "What's next for mining in the San Juans? Should it be shut down?"

No. Shutting down mining in the San Juans would be devastating for the United States. The Silverton Mining District is one of the most highly mineralized places in the world, rich in the strategic minerals required for green energy, high tech and national defense. Today, U.S. industry imports most of these minerals. In many cases, China is the world's primary supplier. China achieved this position by pricing their minerals cheaply starting in 1980, forcing U.S. and worldwide operations to shut down, and they have already used this leverage as a political club.

Other countries see this threat and are taking action, even countries deeply committed to

protecting the environment and to sustainability. France, for example, sees in-country mining as a strategic imperative, and they're working to revive the industry. Their goal is to ensure French manufacturers have reliable access to the minerals they need before an imbalance in global supply and demand creates skyrocketing costs and interruptions in availability.

Silverton was a critical mineral source during World War I, World War II, and the Korean War, and the minerals required by U.S. industry today are abundant there.

In addition, mining offers the best opportunity to capitalize on the specialized skills of the Silverton workforce; to benefit from the county's pro-mining sentiment; to return prosperity to a community impoverished when the last mine closed; to return businesses that are seasonal now to year-round operation; and to generate significant local, state and federal taxes.

Some of the minerals found in abundance in the district:

Tellurium: Used in high tech, including thin film solar panels. China supplies 43 percent of U.S. imports, and the Gold King Mine may represent America's largest available tellurium resource.

Tungsten: Used to produce machine tool parts, armor, super alloys and electronics. It is almost entirely imported. The San Juan Mountains have the world's highest documented ore grades.

Indium: Essential to LCD screen technologies and solar cells. All of U.S. consumption is imported, and significant quantities come from China.

Bismuth: Used in pharmaceuticals and fire sprinkler systems. U.S. production stopped in 1997. China supplies 26 percent of U.S. imports. The San Juans represent a large part of U.S. bismuth production potential.

Antimony: Used in battery production, flame retardants, and paints. No antimony is mined in the U.S., with 67 percent of imports from China. Antimony is found throughout the western San

Juan.

Gold: The western San Juans offer the best means of rapidly increasing gold production when needed.

Silver: Critical to electronics manufacturing, and is a common byproduct when mining the minerals listed above.

The Silverton Mining District is a strategic reserve of minerals critical to key U.S. industries, and our community is ready to tap that reserve. The district must be managed for mining operation, not mining termination.

Todd C. Hennis is president of the San Juan Mine Corp., and owner of the Gold King Mine.

**Denver Post (CO)**

http://blogs.denverpost.com/eletters/2015/08/27/be-realistic-about-gold-king-mine-spill/38963/

**Be realistic about Gold King Mine spill**

By DP Opinion The Denver Post DP Opinion

8/28/15

It seems the line is growing of those planning to sue the Environmental Protection Agency over the wastewater release from the Gold King Mine into the Animas River. Never mind that the old mines around Silverton regularly discharge similarly tainted water into the streams at the rate of millions of gallons a year. Even before the recent spill, the Gold King Mine alone was

discharging around 50 to 250 gallons of waste per minute.

Yes, go ahead and investigate the spill for negligence and to see what could have been done differently by the EPA to mitigate a very complex problem; but also be realistic and educated concerning the nature and scope of the problem. If the EPA has a lesson to learn, then also people should learn to identify when a habit closely resembles the digging of gold out of the Colorado mountains in the 1800s.

Kevin Grunewald, Cokedale

**Deseret News (UT)**

http://www.deseretnews.com/article/865635523/EPA-failed-its-protection-namesake-in-Gold-King-Mine-spill-that-contaminated-rivers.html?pg=all

**In our opinion: EPA failed its protection namesake in Gold King Mine spill that contaminated rivers**

Deseret News editorial

Published: Friday, Aug. 28 2015 12:10 a.m. MDT

The pictures now familiar around the world of rivers in the Western United States having turned mustard yellow by toxic wastewater from an abandoned mining operation are even more unsettling now we know the Environmental Protection Agency was well aware it could trigger the mess if it wasn't careful in reopening the Gold King Mine for inspection.

The EPA wasn't careful, which it has now admitted, but the concession is little comfort for those of us who wonder how the agency could go so far amiss in regard to the "protection" part of its mission. Apologies and promises aside, the incident demands more in the way of accountability.

We can be certain that if it were a private corporation responsible for the mess, say along the lines of a British Petroleum oil spill in the Gulf of Mexico, the government reaction would be swift and stern. Politicians would demand a reckoning, but what we are hearing from Washington on the leak into the Animas River and downstream is deafening for its lack of volume.

In that context, it's good that Utah Attorney General Sean Reyes and his Colorado counterpart have toured the area to explore what, if any, legal action their states may take against the EPA for what can be charted as an act of negligence. Parenthetically, the attorneys general would be wasting their time pursuing the conspiracy theory voiced by some Utah lawmakers that the leak was intentionally caused to initiate support for more Superfund designations involving the thousands of inactive mines dotting the Western landscape.

As for those mines that continue to pose environmental threats, it is unfortunate the EPA and other entities, including several state governments, have been unable to get on the same page when it comes to remediating the threat. There has been resistance from both mining and environmental interests in pursuing massive Superfund designations. Environmental groups are afraid the stigma of Superfund status would be a deterrent to tourism in the area. Cleanup is also an expensive proposition, in the range of $50 billion by some estimates.

But we can see in bright yellow hues the impact of letting the problem continue to go unattended. Environmentalist organizations, which typically look upon the EPA as an ally in Western conservation matters, have begun to call upon the agency to more aggressively pursue a cleanup plan. But the scope of the problem may require congressional action. So may a precise examination into the breakdown of EPA operational protocol that resulted in the leak.

We hope that any momentum in getting to the bottom of the problem and coming up with a way to prevent a recurrence doesn't fade away with the yellow sludge let loose into some of the West's most fragile and picturesque water ways.

**Discovery News**

http://news.discovery.com/earth/30000-leaky-mines-contaminating-us-wests-water-supply-

150827.htm

**30,000 Leaky Mines Contaminating U.S. West's Water Supply**

AUG 27, 2015 03:54 PM ET

BY PATRICK J. KIGER

Much of the ire over the mishap has been directed at the EPA, especially after the federal agency's own internal review revealed that it hadn't performed a key safety test. According to the report: "Although difficult and therefore expensive and technically challenging, this procedure may have been able to discover the pressurized conditions that turned out to cause the blowout."

But regardless of what actually caused the blowout, the Gold King Mine accident also calls attention to a much bigger problem that confronts Colorado and other western states. According to a 2011 report by the federal Government Accountability Office, there are at least 161,000 abandoned hardrock mine sites in 12 western states and Alaska. At least 33,000 of those are causing environmental problems, including contamination of surface water and groundwater.

EPA also has estimated that mine drainage has contaminated 40 percent of western watersheds. In Colorado alone, state Department of Public Health and Environment officials told the Denver Post that 230 old mines have contaminated 1,645 miles of rivers and streams.

And the problem could get worse. EPA estimated that the 161,000 sites had at least 332,000 features — an average of more than two per site — that raised the risk of an environmental mishap, such as unstable or decaying mine structures that might collapse and cause a toxic waste-water leak.

Earthworks Action, an environmental group, has compiled this state-by-state breakdown of known sites of abandoned mines and environmental hazards that they cause.

The problem is largely the result of many years of lax or even non-existent regulation of mining in the west. As miners drilled through the rocks in mines, they dislodged iron sulfide, which reacted with air and pyrite in the Earth to create sulfuric acid. That acid ate through the mine, dissolving heavy metals such as copper and lead, and forming a toxic stew in the mine's waste water. For years, they weren't required to do anything to mitigate that risk.

"In the old days, there was very little control, and not much attention paid to control," Ronald Cohen, an environmental engineer at the Colorado School of Mines, explained to public radio station KUNC.

Cleaning up these hazards could cost as much as $72 billion, according to Earthworks Action. And taxpayers are likely to foot most, if not all, of the bill, since in many cases the owners of the mines are long gone.

The recent accident isn't even the worst one that's occurred on the Animas River. In 1975, a dam failure dumped 50,000 tons of metal tailings, leaving the river looking "like aluminum paint," according the High Country News.

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150827/NEWS01/150829650/Relief-fund-donations-slow-for-mine-victims-

**Relief-fund donations slow for Gold King Mine spill victims**

34 people who lost income after spill receive help

By Ann Butler Herald staff writer

Article Last Updated: Thursday, August 27, 2015 10:49pm

Durango is not living up to its reputation as a generous community in the aftermath of the Gold King Mine spill into the Animas River.

Ten days after the Community Emergency Relief Fund was reopened, individuals have donated only about $2,000 toward helping employees who either lost their jobs or had their hours cut back significantly because of the spill. Businesses have done a better job of stepping forward, with First National Bank of Durango donating $5,000; Nature's Oasis kicking in $500; La Plata Electric Association's Found Up Foundation writing a check for $4,000; and Bank of Colorado contributing $2,500.

All told, the fund has received $14,000 as of Thursday, bringing cash on hand to $42,000.

After the 2008 Main Avenue Fire that led to the fund's creation, the community donated close to $100,000, leaving about $28,000 in the fund so the response could be immediate for the next emergency.

"We're not sure why people aren't donating," said Briggen Wrinkle, executive director of the Community Foundation Serving Southwest Colorado, which is handling the financial side of the fund. "We don't know if people have short attention spans, if they're thinking these people aren't worthy of support or if they're thinking the Environmental Protection Agency is going to make them whole. But we're the first line, and we're just trying to keep these employees housed and fed."

To date, the Durango Business Improvement District, which is handling the requests for help, has received 35 applications and granted all but one, Wrinkle said.

"The person turned out not to be an employee," she said. "We've had six business – all rafting companies – come in asking for assistance for their employees."

The group has committed to two months' worth of assistance for people receiving awards, totalling $30,000, and applications are still coming in. Some rafting guides went to the Colorado or Salmon Rivers trying to pick up jobs there, she said, but they may be back, still needing help because of lost income.

"And I know some of these people are teachers or college students who are going into another phase of their year," she said. "But that doesn't mean that losing August didn't hurt them, didn't hurt their finances."

There's also a need to leave the fund robust for the next emergency, she said.

"We really need to see more support," Wrinkle said, "because we have to be ready next time."

**High Country News**

https://www.hcn.org/articles/acid-mine-drainage-explainer-animas-pollution-epa-gold-king

**Gold King Mine water was headed for the Animas, anyway**

The nuts and bolts of acid mine drainage.

Jonathan Thompson

Aug. 28, 2015 Web Exclusive

If the media frenzy is any indication, the Upper Gold King Mine blowout of Aug. 5 has become the West's pollution event of the year, maybe even the decade. And in a frenzy there is bound to be confusion, especially when it comes to something as complicated as mine-related pollution.

As the world watched the plume make its way downstream, the reporting on it gained clarity, but errors — most based on a fundamental misunderstanding of the root cause of the "spill" — persist. Most prevalent is the notion that the blowout was a spill of toxic waste, or that the sludge consisted of "toxic chemicals" that miners had added to the mine during the mining process. In fact, the only chemical mining introduced in the Gold King case is, well, oxygen.

While there are a variety of ways that mining can pollute watersheds, the most insidious and persistent is acid mine drainage, which is really a natural phenomenon exacerbated by mining. Acid mine drainage was the root cause of the Gold King blowout, and it plagues tens of thousands of abandoned mines across the West. It's almost impossible to fix, and it lasts forever.

To understand the current problem, it helps to travel into the past. Imagine what the first Anglo settlers saw as they arrived into the San Juan Mountains in the 1860s and 1870s. They drank from any of hundreds of springs, the waters having started out as snowmelt on the mountainsides before finding their way into faults and cracks in the rocks and making the the slow subterranean journey before bubbling from the earth clear and clean (or not, see below). They came upon pristine alpine lakes and crystal clear streams, some of which may have sparkled with the silvery flash of cutthroat trout. In 1889, ichthyologist David Starr Jordan noted, "In the deep and narrow Cañon de las Animas Perdidas (Animas river below Silverton) are many deep pools, said to be full of trout."

But the early settlers also were struck by the reddish orange color (like the Animas River after the "spill") of some of the mountains. They were also struck by the same orange in some streams during times of high runoff, streams that were lifeless even then. Indeed, an observer in 1874 noted that Cement Creek was "so strongly impregnated with mineral ingredients as to be quite unfit for drinking."

Prior to mining, snowmelt and rain seep into natural cracks and fractures, eventually emerging as a freshwater spring (usually).

So now there is acidic water running through the mine. And since the mine follows the metals, so

does the water, picking up the likes of zinc, cadmium, silver, copper, manganese, lead, aluminum, nickel and arsenic on the way. The acidic water dissolves these metals, adding them to the solution. After the water pours from the portal (mine opening), it percolates through metal-rich waste rock piled up outside the portal, picking up yet more metals. Next, the water may run through old tailings or leftovers from milling ore and pick up yet more nasty stuff. The soup that eventually reaches the stream is heavily laden with metals and highly acidic. It is acutely and chronically toxic to fish and the bugs they eat.

For long-dead streams like Cement Creek, the added toxicity is meaningless. It's further downstream, in once healthy parts of the river, where the impacts are felt. By the 1970s, the same pools of the Animas River below Silverton that were once "full of trout" were mostly devoid of fish, and the upper stretches of the river were "essentially dead," according to a Colorado Division of Wildlife account from the time.

The Upper Gold King Mine adit had acid mine drainage, then it didn't, then it did. Just as a mine tunnel can intercept ground water flows, so did a new, much larger mine tunnel intercept the water that had, most likely*, been going into the Upper Gold King. In 1959, Standard Metals expanded the American Tunnel below the Upper Gold King to provide new access to the Sunnyside Mine workings. After that, the Upper Gold King tunnel went dry, most likely because the American Tunnel acted as a big drain for all the groundwater in the area. In 1991, Sunnyside Gold Corp. stopped mining at the American Tunnel and began the process of cleaning it up, which included placing multiple bulkheads the size of boxcars in the tunnel over the following decade. Water backed up behind the bulkheads into the vast workings of the mine.

Then, from 2005 on, the Upper Gold King started discharging water at a rate of around 200 gallons per minute. The dynamics of what is happening underground are a subject of debate: It could be that Sunnyside's backed-up acid mine drainage is leaking through cracks and faults into the neighboring mines, a possibility Sunnyside Gold Corp. disputes. It may also be that the natural flow of groundwater, unable to enter the flooded American Tunnel, is returning to its pre-American Tunnel paths.

In 2005 Colorado wildlife officials found trout 16 miles downstream from Silverton. By 2010, the number of fish had dropped dramatically. At Elk Park, the fish were all gone by 2010. The decline was almost certainly due to the cessation of water treatment in upper Cement Creek.

Data from Colorado Parks and Wildlife.

During the last decade, the Upper Gold King has become one of the nastiest polluters around. In

2009, the state mining safety department called it, "arguably one of the worst high quantity, poor water quality draining mines in the State of Colorado." Fish density in the Animas River below Silverton dropped precipitously between 2004 and 2010, most likely the result of new discharge from the Gold King and neighboring mines and the coinciding cessation of Sunnyside's treatment of water at the American Tunnel and upper Cement Creek. The Gold King's discharge only slowed when the mine tunnel partially collapsed, creating a dam behind which the acid mine drainage backed up. It was this "dam" that burst when the EPA contractor was investigating (having had, they now admit, severely underestimated the amount of pressure built up behind the dam), releasing 3 million gallons of acid mine drainage.

Had the mine roof never collapsed, the water would have reached the stream anyway, albeit more slowly. And had the EPA not messed with the mine, it might have blown out on its own; the EPA, the state, and the mine's owner long worried about the possibility. Such blowouts are not uncommon: The previous year, for example, the Bagley Tunnel in another part of the upper Animas watershed suffered a catastrophic "natural" blowout, at least its second in 20 years.

Now, the Gold King will continue discharging bad water at 200 gallons per minute or more until there's a fix. The tunnel could get its own bulkhead, which could ease the problem by backing water up into the mine and robbing the acid mine drainage-forming reactions of oxygen. But there's a good chance the water would eventually find its way out—and still be polluted.

Currently, the Gold King discharge is running through a series of makeshift lagoons in which flocculent is added to settle out the sludge, along with caustic soda to raise the pH and knock the metals out of solution. A more permanent version of this, strategically placed so it could also clean up discharges from the nearby Red and Bonita and Mogul Mines, two other major polluters, is considered the most feasible fix. But that could cost millions to build and $1 million or more per year to operate. Forever.

There is no overarching "fix" for the upper Animas Watershed, including Superfund. Remember, the Gold King mine is just one of hundreds of abandoned mines in the basin, and one of dozens that are draining nasty water. Besides, there's another major polluter in the region: nature. A nice, clear stream running through a highly mineralized area can trigger the same acid-forming reaction that happens in a mine, and thus become acidic and metal-loaded itself. Even some springs are downright nasty. In 1995, U.S. Geological Survey scientists found at least one natural spring had a pH of 2.9, far more acidic than many of the draining mines in the same area (though with far less discharge). And in one of the sub-basins they studied, natural sources contributed a whopping 82 percent of the total dissolved zinc in the water.

At Howardsville, a few miles upstream from Silverton and the confluence with Cement Creek, the trout population grew significantly. This is evidence that targeted mine remediation can work.

Data from Colorado Parks and Wildlife.

That doesn't let mining, whose impacts are clear and significant, off the hook, but it illustrates the complexity of the problem, and shows why even those who have worked the hardest to address the water problems here pushed back against Superfund designation, particularly in the early days of cleanup. Superfund, or, alternatively, federal disaster money currently being sought by the town of Silverton and San Juan County, may be the best bet for funding an ongoing water treatment facility, but it's not clear how it would apply to an entire watershed, oozing with pollution from so many sources.

Still, 20 years of research and project-by-project remediation under the auspices of the Animas River Stakeholders Group has shown that targeting just the worst polluters can yield significant improvements downstream. The once "essentially dead" reach of the Animas above Silverton now holds over 1,000 fish per mile. If the EPA and Superfund were to build on that work, rather than come in with a pile of cash and brute force and push the locals out of the way, progress is possible. But it won't come fast, and it won't come cheap. It took more than 20 years and more than $200 million (and counting, due to ongoing water treatment costs) for Superfund to deal with the Summitville mess on the other side of the San Juan Mountains. And that was just one mine.

**The Hill**

http://thehill.com/policy/energy-environment/252198-lawmakers-schedule-more-hearings-on-epa-mine-waste-spill

**Lawmakers schedule new hearings on EPA mine waste spill**

By Timothy Cama –

08/28/15 01:14 PM EDT

Three congressional committees announced plans Friday to hold hearings on the Environmental Protection Agency's (EPA) mine waste spill in Colorado earlier this month.

The Senate Environment and Public Works Committee will hold its hearing Sept. 16, it said Friday.

The next day, the House Oversight Committee and House Natural Resources Committee will conduct a joint hearing on the incident.

The announcement follows the House Science Committee's decision a week ago to hold a hearing Sept. 9 on the spill at the abandoned Gold King Mine near Silverton, Colo.

Congressional Republicans have jumped on the Aug. 5 spill as an opportunity to sharply criticize the Obama administration's EPA and paint it as a hypocritical organization that holds itself to a much lower standard than the companies it regulates.

The GOP, along with lawmakers from the areas affected by the spill and local leaders, have also castigated the EPA for what they see as a slow response to the incident and an extreme lack of transparency afterward.

EPA administrator Gina McCarthy will be the sole witness at the Senate hearing, which Committee Chairman James Inhofe (R-Okla.) said was called at the request of the senators representing Colorado and New Mexico.

"It is important for this committee, the agency, and the public to know what exactly went wrong leading up to Aug. 5 and in the days that followed," Inhofe said in a statement.

"Many questions remain unanswered since the disaster," he continued. "The hearing will examine the immediate and long-term environmental and economic impacts to the states, local

communities, and Indian tribes as a result of the spill."

The House committees said they have not confirmed any witnesses for their hearing, although they have invited McCarthy, Interior Secretary Sally Jewell, a representative of the Navajo Nation and representatives of Colorado and New Mexico.

Jewell's responsibilities include both the Bureau of Indian Affairs and the Bureau of Reclamation, which is conducting an outside review of the spill. The Navajo and Ute American Indian tribes have reservations that contain waterways downstream from the mine that were affected by the pollution.

The EPA has taken responsibility for the spill, in which an EPA contractor accidentally released 3 million gallons of mine waste containing poisonous heavy metals into a tributary of the Animas River, turning it bright orange temporarily. No harm to humans or wildlife has been confirmed.

Reports and documents the EPA has released since the spill show that the agency knew at least a year in advance of the risk of a blowout at the site.

They also showed that the EPA and Colorado mining regulators believed that the fluid pressure at the site was much lower than it turned out to be, a discrepancy that the agency believes to be the most significant factor leading to the disaster.

**Huffington Post**

http://www.huffingtonpost.com/peter-defazio/toxic-legacy-1872-law-let_b_8055404.html

**Toxic Legacy: 1872 Law Lets Miners Profit on the Backs of American Taxpayers**

Peter DeFazio and Raul Grijalva

Posted: 08/28/2015 1:14 pm EDT

The recent wastewater spill from the abandoned Gold King Mine in Colorado captured the attention of the nation. A sickly yellow plume filled with high levels of lead, arsenic, and other heavy metals surged through the Animas River, a major waterway used for irrigation, recreation, and drinking water, forcing the closure of that river. The economic hardship was immediate; the ecological damage may take months if not years to be fully understood.

Make no mistake - the responsibility for this spill lies with the Environmental Protection Agency, and we join those in the local communities who demand answers as to how this happened. Multiple independent investigations are currently ongoing. We wish we could say that when those investigations are completed, we'll know how to prevent this from ever happening again.

We can't say that. The underlying problem here is not the EPA's blunder at this mine. The underlying problem is the toxic legacy of roughly 500,000 abandoned mines that riddle the United States, threatening local communities with catastrophic spills and chronically leaching metals and acid mine waste into nearby streams.

These toxic time bombs are the result of a nearly 150-year-old law designed to make it as easy as possible to settle and mine the West. The Mining Law of 1872 is, quite simply, a miner's dream. It allows mining companies to buy public land free and clear for as little as $5 an acre if they discover a valuable mineral deposit, and even when the land remains in public hands, companies extract billions of dollars of valuable metals that belong to the American taxpayer without paying a dime in royalties.

The law was passed in a time before we worried about environmental damage and corporate responsibility. There were no requirements to protect water quality, air quality, wildlife habitat, or to clean up the mess after mining stopped. The situation has improved somewhat in recent decades, but the 1872 Law limits the power our land managers have to ensure that mining meets modern environmental safeguards. It does absolutely nothing to address the multitude of former mines that present serious environmental and health threats - scars on our landscape left behind by mining companies that in many cases have long since disappeared.

The cost to clean these mines up has been estimated at between $20 billion and $54 billion. Right now, that cost would have to be borne solely by the American public, if Congress even agreed to pay it. Rather than leaving taxpayers on the hook, we should require the mining industry to cover the cost of cleaning up its legacy of contamination. This is not an earth-shattering idea. The oil industry currently pays a small fee on each barrel of oil to cover the cost of cleaning up spills. The coal industry pays a small fee on each ton of coal to cover the cost of cleaning up abandoned coal mines. But the hardrock mining industry pays nothing.

We have a bill that would change that. The Hardrock Mining Reform and Reclamation Act would require large mining companies to pay a small 7-cent fee for each ton of earth they move. The resulting revenue - estimated at $200 million per year - would go toward cleaning up abandoned hardrock mines across the country and helping communities that have been negatively impacted by hardrock mining activities. The bill would also establish a royalty on metals such as gold, silver, and copper - much like one that currently exists for oil, gas, and coal - so that mining conglomerates would no longer have free access to precious metals owned by the American taxpayer.

This bill did not spring forth from the Gold King Mine spill - we have been fighting to reform mining in America for years. In 2007, a similar bill passed the Democratic-controlled House of Representatives, but never became law. Republicans have by and large ignored the issue: the only action they've taken on mining is to try to create shortcuts through environmental laws to make it even easier for companies to get mining permits.

Now, in the wake of the Gold King Mine spill, some of them have started to profess great concern about the environment and the terrible impacts of this spill. It's unfortunate that they only care about the terrible impact of abandoned mines on Western watersheds and communities when it comes with a chance to attack the EPA. If they're serious about their concern, and they want to do something meaningful to prevent this from happening again, we invite them to join us in support of the Hardrock Mining Reform and Reclamation Act. It's time to retire the 19th century mining laws to the history books along with the Pony Express and covered wagons and enact comprehensive mining reform policies for the 21st century.

Peter DeFazio (OR-04) is the former Ranking Member of the House Natural Resources Committee, Raul Grijalva (AZ-03) is currently Ranking Member of the House Natural Resources Committee.

**KSFR Santa Fe Public Radio (NM)**

http://ksfr.org/post/aug-28-first-news-sf-state-senator-sponsor-amendment-reform-broken-bail-system-listen#stream/0

**Aug. 28 First News**

By TOM TROWBRIDGE

8/28/15

[Listen online]

Documents show it took more than 90 minutes for members of a federal cleanup crew to issue a warning about a toxic spill because they were initially trapped and scrambling to escape the flood they had accidentally unleashed from a Colorado mine. The documents released Thursday by the federal Environmental Protection Agency contained new details on the three-million-gallon spill on August fifth 5 that fouled downstream rivers in Colorado, Utah and New Mexico. The EPA is facing increasing political pressure to explain how the accident happened despite prior warnings that it could occur. The inactive mine is located on a remote mountain at an elevation of 11-thousand feet.

**Washington Examiner**

http://www.washingtonexaminer.com/epas-account-of-spill-like-disaster-movie/article/2570936

**EPA's account of toxic blowout reads like a disaster movie**

By JOHN SICILIANO

8/27/15 1:54 PM

The Environmental Protection Agency's account of a massive toxic spill it caused in Colorado earlier this month reads like the script from a disaster movie.

The agency released documents Thursday that provide a minute-by-minute account of events that unfolded Aug. 5 at the Gold King Mine in Colorado, when the agency caused three million gallons of toxic wastewater to be released into the Animas River.

The account shows that EPA was taken almost completely by surprise when a tidal wave of acidic water came spewing out of a 10-foot-wide blowout hole, flooding the work site and later polluting the waterways in three states.

The account depicts a situation in which someone could have easily been injured or killed. The only casualty of the toxic "blowout" was a black Suburban SUV used by the EPA contractors to get to the site.

**From:** Bressler, Lindsey
**Sent:** Thursday, August 27, 2015 2:30 PM
**Subject:** RE: CO Mine Spill Clips - 8/27

**Denver Post (CO)**

http://www.denverpost.com/news/ci_28712397/epa-sediment-long-term-concern-colorado-mine-spills

**EPA: Sediment a "long term" concern in Colorado mine spill's wake**

Agency releases more Gold King Mine spill documents, photos

By Jesse Paul

POSTED: 08/27/2015 10:04:30 AM MDT

Environmental officials said Thursday their long-term concern after the 3 million-gallon Gold King Mine spill centers around the metallic sediment left in its wake.

Specifically, the Environmental Protection Agency says it is worried about the "effect of metals deposited in sediments in the entire watershed and their release during high-water events and from long periods of recreational use."

The EPA mentioned the concerns as part of a data release accompanying 77 pages of documents chronicling the minutes and hours before and after the agency-triggered spill. The Aug. 5 disaster sent yellow-orange sludge through three states and two American Indian tribes, prompting emergency declarations and leaving communities along hundreds of river miles angry.

The EPA says data, collected over the past two weeks, shows surface water metal levels at 24 sampling locations along the watershed below the spill are "trending toward pre-event conditions."

"EPA is establishing a longer term watershed monitoring strategy for the surface water and sediments that have been affected by the Gold King Mine spill to identify potential long-term impacts working closely with state and local officials," the agency said.

Experts say metals lining the riverbed could continue to cause long-term effects for agriculture, aquatic life and other life-forms along the Animas River.

The EPA specifically has been studying concentrations of arsenic, cadmium, lead and mercury in surface water.

The acidic heavy metals that flooded into Cement Creek in Silverton and the Animas River through La Plata County after the spill initially broke state water quality limits.

The new data comes after the EPA on Wednesday released an internal review of the events leading up the Gold King spill showing crews underestimated waste pressure behind the mine's collapsed opening.

The report called the underestimation of the pressure the most significant factor leading to the spill.

According to the report, had crews drilled into the mine's collapsed opening, as they had done at a nearby site, they "may have been able to discover the pressurized conditions that turned out to cause the blowout."

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150827/NEWS01/150829670/-1/taxonomy/Data-shows-Animas-continues-to-return-to-%E2%80%98pre-event%E2%80%99-conditions--

**Data shows Animas continues to return to 'pre-event' conditions**

By Peter Marcus Herald staff writer

Article Last Updated: Thursday, August 27, 2015 11:30am

DENVER – The Environmental Protection Agency on Thursday released additional data and documents from the Gold King Mine spill, showing a continuing trend towards pre-event conditions in the Animas River.

The agency posted 96 graphs documenting trends of dissolved heavy metals, including arsenic, cadmium, lead and mercury, in surface water at 24 sampling locations where five or more samples were collected. The graphs illustrate that concentrations are significantly lower than baselines established by EPA that would suggest health risks from exposure during use of the river. The baseline is based on exposure over a continuous 64-day period.

"These (Recreational Screening Levels) are conservative, representing levels that are not expected to cause adverse effects over an extended period of time, based on a continuous 64-day exposure. These screening criteria represent the most conservative scenario for recreational users," EPA officials state in a release of the data.

Concerns remain, however, over long-term impacts from metals deposited in sediments.

"EPA is establishing a longer term watershed monitoring strategy for the surface water and sediments that have been affected by the Gold King Mine spill to identify potential long-term impacts working closely with state and local officials," EPA officials said in the release.

**Newsweek**

http://www.newsweek.com/epa-lucky-no-one-was-killed-mine-spill-blowout-internal-review-finds-366146

**EPA Narrowly Avoided Fatalities in Gold King Mine Spill Blowout, Internal Review Finds**

BY ZOË SCHLANGER

8/27/15 AT 11:56 AM

An internal review of the U.S. Environmental Protection Agency's actions found that the agency failed to estimate the potential volume of toxic wastewater stored in the abandoned Gold King mine before beginning the work that eventually led to a 3 million gallon spill earlier this month. In a report released Wednesday, the EPA's review team (made up of EPA personnel from across the agency) writes that the agency failed to test for pressure buildup at the mine and narrowly avoided the death of crew members during the event.

In addition, the review team was unable to find any existing guidelines or procedures for assessing highly pressurized buildup of waste inside mines such as Gold King.

The EPA's original work plan for Gold King mine noted that it was possible the mine wastewater might be highly pressurized. The work plan warned, "Conditions may exist that could result in a blowout of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine, which contain concentrated heavy metals."

Yet "experienced professionals" from the EPA and the Colorado Division of Reclamation, Mining and Safety determined that there would be "no or low" pressurization inside the adit section of Gold King mine—a passage that leads into the mine for "purposes of access or drainage," according to the EPA—based in part on the fact that this part of the mine was already steadily leaking liquid, reducing the possibility of buildup of pressure.

But despite evidence to the contrary, "there was, in fact, sufficiently high pressure to cause the blowout," the report reads. Underestimating buildup of pressure in the adit was a critical misstep and "the most significant factor relating to the blowout."

Had EPA workers used a technique to measure pressurization, as they did at other, abandoned hard-rock mines nearby, they would have known about the pressure buildup at Gold King, the report notes. But the testing technique, which involves drilling a hole into the area from above, "would have been quite costly and require much more planning and multiple field seasons to accomplish."

"Site specific conditions may make certain investigative tools prohibitive or extremely challenging and costly," the EPA writes, though it does not explicitly point out whether high cost was the reason the agency chose not to drill-test Gold King mine.

In addition to underestimating water pressure at Gold King, the EPA failed to evaluate the volume of water stored within the mine, the report notes. "It is not evident that the potential volume of water stored within the Adit had been estimated," the report reads. "Given the maps and information known about this mine, a worst case scenario estimate could have been calculated and used for planning purposes."

Still, given a review of the available information and interviews with crew members involved in the blowout, the report finds that the EPA spill was "likely inevitable."

"It's important to recognize that underground mines may be extremely complex, making characterization of the internal hydraulic conditions and flow paths challenging," the report says. "In the end, while additional information gathering may reduce the uncertainty, a complete understanding of the underground conditions may not be attainable."

And on the positive side, "actions taken by the EPA OSC [on-scene coordinators] to pull out the site personnel and crew from and near the Adit, just prior to the blowout, probably avoided any fatalities from the pressurized Adit blowout."

The U.S. Department of the Interior is in the process of conducting its own, separate investigation into the spill. Results of that inquiry are expected to be released to the public within two months.

**From:** Bressler, Lindsey
**Sent:** Thursday, August 27, 2015 12:07 PM
**Subject:** RE: CO Mine Spill Clips - 8/27

**Associated Press (via channel 6 Oklahoma)**

http://www.newson6.com/story/29884915/investigation-epa-state-missed-potential-for-mine-blowout

**Investigation: EPA, state missed potential for mine blowout**

By MATTHEW BROWN

Associated Press

BILLINGS, Mont. (AP) - Despite prior warnings that dangerous levels of toxic water were building inside a Colorado mine, federal and state regulators mistakenly concluded the pressure was not high enough to cause an accident, an investigation released Wednesday found.

The pressure blew, however, when a U.S. Environmental Protection Agency team started excavation and cleanup work at the site, unleashing a 3-million-gallon torrent of poisoned mine water that fouled rivers in Colorado, New Mexico and Utah.

Officials previously offered only partial information on events leading up to the Aug. 5 accident that has drawn sharp criticism of the EPA for causing the spill and for its lackluster response.

In the report Wednesday summarizing its internal investigation, EPA officials faulted procedures that left personnel largely unprepared for the spill and recommended changes to avoid a repeat of the accident.

The report also appeared to minimize the agency's responsibility. Among its conclusions were that a "blowout was likely inevitable" and that an EPA official on the scene had staged a rapid evacuation effort that kept members of the cleanup crew from being killed.

Based on other records, The Associated Press reported Saturday that EPA managers knew that a release of "large volumes of contaminated mine waters" was a possibility as early as June, 2014, yet drew up only a cursory response plan.

The worries about a large spill were repeated in a May work plan from an agency contractor, Environmental Restoration.

The toxic sludge released from the mine prompted the shutdown of some public drinking water and irrigation systems and tainted hundreds of miles of rivers.

Some farmers on the Navajo Nation who draw water from one of the affected rivers, the San Juan, want to keep irrigation systems shut down for at least a year to avoid contaminated sediments that experts say likely settled onto river bottoms.

EPA Deputy Administrator Stan Meiburg said on a Wednesday conference call that underestimating the water pressure inside the mine workings "was likely the most significant factor relating to the blowout."

The investigation revealed that regulators could have drilled into the mine to get a better gauge on how much pressure had built up.

Though drilling would have been expensive and technically challenging, "this procedure may have been able to discover the pressurized conditions that turned out to cause the blowout," the documents say.

However, Meinburg said there was "no evidence to suggest this technique would be necessary," and other factors indicated there was little pressure inside the mine.

Those indications included the lack of any seeps of water above the mine opening and the fact that water was draining from the mine, meaning a buildup of pressure was less likely.

Asked to reconcile the contradictory claims that the pressure could have been discovered but the spill was "likely inevitable," EPA assistant administrator Mathy Stanislaus said it was unknown if the drilling could have been done.

The documents said state officials from the Colorado Department of Natural Resources had supported the work done by the EPA team and were present on the day of the spill. Agency spokesman Todd Hartman said Wednesday that it was "pretty clear at this point folks didn't have a good handle on the amount of water" in the mine.

Elected officials from impacted states and Congress have been critical of the EPA's handling of the spill and the slow pace with which the agency has released documents related to it. Among the unanswered questions is why it took the agency nearly a day to inform downstream communities that rely on the rivers for drinking water.

EPA officials acknowledged Wednesday that more efforts should have been made to notify downstream communities.

The wastewater flowed into a tributary of the Animas and San Juan rivers, turning them a sickly yellow-orange color and tainting them with lead, arsenic, thallium and other heavy metals that can cause health problems and harm aquatic life.

The toxic plume traveled roughly 300 miles through Colorado, New Mexico and Utah, to Lake Powell on the Arizona-Utah border.

EPA water testing has shown contamination levels returning to pre-spill levels, though experts warn some of the contaminants likely sunk and mixed with bottom sediments and could someday be stirred back up.

Toxic water continues to flow out of the mine. Since the accident, the EPA has built a series of ponds so contaminated sediments can settle out before the water enters a nearby creek.

The agency said more needs to be done and the potential remains for another blowout.

Separate investigations into the accident are being conducted by the EPA's Inspector General's Office and the U.S. Department of Interior.

**Colorado Public Radio**

http://www.cpr.org/news/story/toxic-mine-blowout-was-likely-inevitable-protocols-lacking-epa-says

**Toxic Mine Blowout Was 'Likely Inevitable,' Protocols Lacking, EPA Says**

Grace Hood

AUG 26, 2015

New internal documents released by the Environmental Protection Agency say that the blowout of toxic water at the Gold King Mine on Aug. 5 was "likely inevitable," and that the agency underestimated the volume and pressure of the 3 million gallons of filth that had built up in the abandoned mine.

Mapping Colorado Waterways Affected By Abandoned Mines

The report also found that the agency team that accidentally caused the catastrophe "was lacking emergency protocols in the case of a significant flow or blowout." It also urged the agency to develop a "toolbox" of standard protocols for dealing with similar situations in the future.

The team working at the site that day "had extensive experience" investigating closed mines, according to the report. It had reached out to organizations with expertise and local knowledge including the Animas River Stakeholders Group and none "raised any significant concerns with the proposed activities."

On Aug. 15, an ARSG member told Colorado Matters that, unlike past clean-up efforts, the EPA didn't consult the group on the recent clean-up at the Gold King Mine. As part of its report, EPA linked to meeting notes from Jan. 27 and May 27 this year detailing the people and organizations it consulted ahead of sending the team up to the mine.

Still, EPA found that no worst-case scenario of water pressure and flow was calculated, even though such a plan could have been useful for planning, and the team's plan "was lacking emergency protocols in the case of a significant flow or blow out."

"Even though the chance of encountering pressurized mine water was investigated in many ways at the Gold King Mine, the Gold King Mine blowout suggests that EPA should develop a toolbox of additional investigative tools such as remote sensing or drilling into the mine pool from the top or side that should be more seriously considered at similar sites," the report said.

Whether a more accurate estimate of the water pressure would have prevented the blowout isn't clear, said agency assistant administrator Mathy Stanislaus on Wednesday, but was "theoretically possible."

"That's the only information we have at this moment," said.

The findings released Wednesday will be augmented by an independent review by the Department of Interior, as well as a report from the Office of the Inspector General.

**CNBC.com**

http://www.cnbc.com/2015/08/27/why-the-epa-is-not-tackling-all-the-toxic-mining-pools-in-the-us.html

**America's toxic mining pools: Ticking time bombs?**

There are over 500,000 abandoned mines in the U.S. containing noxious brews.

Bob Woods, special to CNBC.com

8/27/15, 11:00 AM EST

On August 5, 3 million gallons of toxic sludge gushed out of the long-abandoned Gold King mine near Silverton, Colorado, and into the Animas River. The Tang-colored torrent, percolating with arsenic, lead and other pollutants, was inadvertently unleashed by Environmental Protection Agency (EPA) contractors attempting to clean up wastewater that's been accumulating since the mine closed in 1923.

Water flows through a series of sediment retention ponds built to reduce heavy metal and chemical contaminants from the Gold King Mine wastewater accident outside Silverton, Colorado, August 14, 2015.

The poisonous plume ran downstream into waterways in Utah, New Mexico and the Navajo Nation, but subsequent tests reportedly show that the toxins have dissipated and the water is safe. Regardless, the episode has revealed an even more frightening, long-festering problem: There are an estimated 500,000 abandoned mines nationwide, though mostly in Western states, an unknown number of which contain similarly noxious brews that could potentially be released and contaminate innumerable water systems and adjoining lands.

The Denver Post's Bruce Finley reported that "230 other old mines [in Colorado are] leaking heavy metals-laced muck into headwaters of the nation's rivers. These old mines have leaked so much for so long, thousands of gallons a minute, that state agencies don't track the combined toxic flow." The EPA has calculated that 40 percent of river headwaters in the West are contaminated by acid mine drainage, which occurs when sulfides in mines are exposed to air and water, creating what's basically sulfuric acid.

"These are disasters we know are waiting to happen," said Jennifer Krill, executive director of Earthworks, a Washington-based environmental group that's been advocating for reform of a 143-year-old federal law seen as a major source of the dilemma. The General Mining Law of 1872,

signed by President Ulysses S. Grant during the unbridled building of the West, permitted mining of gold, silver and other hard-rock minerals on public lands for next-to-nothing lease prices, zero royalties (unlike those paid by oil, gas and coal lessees), scant environmental oversight

Despite numerous attempts, the law remains on the books, but that may soon change. "An entire river system turning bright orange ought to be the wake-up call for Americans that it's time to stand up and take notice," Krill stated.

"If we modernize the 1872 law, we'll start to reverse what's going on by making sure the mining industry takes responsibility for its messes."

-Jennifer Krill, executive director, Earthworks

Perhaps, but while the horrible images remain fresh, Rep. Raúl Grijalva, an Arizona Democrat, has already called for a congressional hearing on his recently proposed legislation to modernize the antiquated law. Essentially, HR 963—the Hardrock Mining Reform and Reclamation Act of 2015—would levy an 8 percent royalty on new and existing hard-rock mines to create a federal fund to supplement the meager public and private money currently spent on cleanup and remediation activities. Democratic Sen. Martin Heinrich of New Mexico announced that he will introduce a similar bill in the Senate next month.

"The federal estimate for cleaning up contaminated mines is $54 billion, which I think is low-balling," Grijalva said. "While this [Gold King] incident was a mistake by EPA, the underlying problem is the huge number of abandoned hard-rock mines that are effectively ticking time bombs threatening our rivers and our lands. Congress must provide robust funding to clean up these mines, which is exactly what my [bill] does."

"No one is arguing that there is clearly a problem," said Luke Popovich, vice president of external communications for the Washington, D.C.-based National Mining Association. Yet changing the 1872 law is not the solution, he said, adding that "it is just a predictable way to exploit this accident by raising a completely irrelevant issue." He cited several post-Earth Day laws—including the Clean Water Act and Clean Air Act—that have addressed environmental concerns over mining. "We're probably the most heavily regulated industry in the U.S.," he said.

Instead, the mining industry favors so-called Good Samaritan legislation, which would allow for

private groups and mining companies to clean up toxic sites, but at no liability in case of spills like those into the Animas River. "We've discussed royalties on new mines," Popovich said, "if they're reasonable." He declined to suggest a figure.

Earthworks, meanwhile, will continue its push for reform of the mining law. "The government shouldn't be paying for the cleanup," Krill said, noting the EPA's related shoestring budget. "If we modernize the 1872 law, we'll start to reverse what's going on by making sure the mining industry takes responsibility for its messes."

**Daily Times (NM, via Albuquerque Journal)**

http://www.abqjournal.com/634940/news-around-the-region/talks-continue-about-reopening-irrigation-system-on-navajo-nation.html

Talks continue about reopening irrigation system on Navajo Nation

By Noel Lyn Smith / The Daily Times

PUBLISHED: Thursday, August 27, 2015 at 8:58 am

FARMINGTON — While discussion continues about a request from three chapters located along the San Juan River to restore irrigation service, personnel from the Navajo Nation Environmental Protection Agency continued to collect soil and water samples on Wednesday.

In response to the irrigation service request, Navajo Nation President Russell Begaye has scheduled a meeting with officials and farmers from the Nenahnezad, San Juan and Upper Fruitland chapters.

Mihio Manus, the president's spokesman, said the meeting is set for this evening at the Nenahnezad Chapter house, and it will focus on the resolution passed this week by the District 13 Council and the process of flushing the Fruitland Irrigation Project, which serves the three chapters.

The District 13 Council's resolution supports lifting the tribe's declaration of emergency, and requests that Begaye and the Navajo Nation Irrigation Office in Shiprock release river water for crop irrigation and to supply water for livestock.

Navajo officials issued water-use restrictions for the portion of the river that flows through the nation after toxic wastewater was released Aug. 5 from the Gold King Mine.

In a media conference call Wednesday, U.S. Environmental Protection Agency Deputy Administrator Stan Meiburg said an internal review of the agency's response to the spill found there was enough high water pressure to cause a blowout at the mine.

"The review team concluded that an under estimation of water pressure inside the mine workings was likely the most significant factor related to the blowout," Meiburg said.

He added the review team concluded that pipe drilling could have potentially detected the high water pressure, but there is no evidence drilling would have been necessary.

Mathy Stanislaus, EPA assistant administrator in the Office of Solid Waste and Emergency Response, said the agency remains on site to stabilize the area and there is a possibility of surges.

The report and associated documents are available at www2.epa.gov/goldkingmine/internal-investigation-documents.

At the Fruitland Diversion on the San Juan River, Shiprock Irrigation Supervisor Marlin Saggboy helped guide an excavator as it removed debris, including fallen branches and roots, from the river.

He said workers were there as part of routine maintenance.

"We're just doing our job," Saggboy said, adding the crew completed work near the Upper Fruitland Chapter house, as well.

Also on Wednesday, U.S. Sen. John Barrasso, R-Wyo., chairman of the Committee on Indian Affairs, announced that the committee will conduct an oversight hearing on the mine spill's impact on Indian Country.

In addition to the Navajo Nation, the spill impacted the Southern Ute Indian Tribe in Colorado.

"Tribes use the waters from these rivers, and this hearing will be a good chance to hear firsthand how this disaster is impacting them. The EPA needs to work with these tribes to ensure the mess is cleaned up, the sovereignty of the tribes is respected, and that the concerns of the tribes are acted on," Barrasso said in a press release.

The hearing is scheduled for Sept. 16 in the committee's hearing room in Washington, D.C.

Navajo Nation Council Speaker LoRenzo Bates said the hearing will provide an opportunity for tribal leaders to express their concerns to committee members.

"The members of council have many concerns for their constituents and communities, especially for the elderly and youth who may not fully understand the circumstances. The scheduled hearing will allow congressional leaders to hear those concerns directly from Navajo leadership," Bates said in a statement.

**Denver Post (CO)**

http://www.denverpost.com/news/ci_28712162/senate-indian-affairs-committee-hold-colorado-mine-spill

**Senate Indian Affairs Committee to hold Colorado mine spill hearing**

Wyoming Sen. John Barrasso says the EPA "must be held accountable"

By Jesse Paul

POSTED: 08/27/2015 09:30:40 AM MDT

The Senate Committee on Indian Affairs announced Wednesday it will "demand answers from the Environmental Protection Agency" at a hearing on the Gold King Mine spill that happened earlier this month above Silverton.

"The EPA must be held accountable for the release of contaminated and toxic waste water into the Animas River in Colorado and the San Juan River in New Mexico, Arizona and Utah," U.S. Sen. John Barrasso, the Wyoming Republican who chairs the committee, said.

The committee is now the second Congressional group to launch an investigation into the EPA-caused 3 million-gallon waste spill on Aug. 5. The Science, Space, and Technology Committee has set a September 9 hearing on the spill and this week lambasted the EPA failing to hastily release documents linked to the disaster.

The Navajo Nation, among other tribes in the Four Corners area that were impacted, have been the most vocal about the detrimental impacts of the spill on their tribe.

Navajo leaders say the Gold King disaster has left their people on the brink of economic disaster and facing spiritual ruin. The tribe this week continued a ban on using waters from the San Juan River for agricultural out of ongoing contamination fears.

"Tribes use the waters from these rivers and this hearing will be a good chance to hear firsthand

how this disaster is impacting them," Barrasso said of the hearing. "The EPA needs to work with these tribes to ensure the mess is cleaned up, the sovereignty of the tribes is respected, and that the concerns of the tribes are acted on."

The committee says Congress "has a responsibility to oversee the federal government's response to this crisis."

The hearing has been set for Sept. 16.

**EP News Wire**

http://epnewswire.com/stories/510635410-lamar-smith-chastises-epa-for-not-turning-over-gold-king-mine-information

**Lamar Smith chastises EPA for not turning over Gold King Mine information**

Thursday, Aug 27, 2015 @ 10:23am

By EP News Wire Report

U.S. Rep. Lamar Smith (R-TX), chairman of the House Science, Space and Technology Committee, on Tuesday condemned the Environmental Protection Agency's (EPA) missed deadline for submitting information requested by the committee about the Gold King Mine spill.

"It is disappointing, but not surprising, that the EPA failed to meet the House Science Committee's reasonable deadline in turning over documents pertaining to the Gold King Mine spill," Smith said. "These documents are essential to the committee's ongoing investigation and our upcoming hearing on Sept. 9th. But more importantly, this information matters to the many Americans directly affected in western states, who are still waiting for answers from the EPA."

The information was requested on Aug. 10, five days after EPA investigation activities triggered the spill, which released 3 million gallons of contaminated water into the Animas River in Colorado. The committee requested information about the work that caused the spill and the risks that the contaminated water might pose.

"EPA Administrator Gina McCarthy is currently crusading on climate change action in Japan while President Obama, who has yet to visit the areas affected by the spill, is touring the U.S. to tout EPA's latest regulation that will do little to impact climate change and will only further burden Americans with higher electric bills," Smith said. "It is no wonder the majority of Americans feel Washington no longer works for them."

**From:** Bressler, Lindsey
**Sent:** Thursday, August 27, 2015 9:55 AM
**Subject:** RE: CO Mine Spill Clips - 8/27

**Associated Press (via ABC News Channel 15 AZ)**

http://www.abc15.com/news/national/investigation-epa-state-missed-potential-for-mine-blowout

**Investigation: EPA, state missed potential for mine blowout**

Associated Press

5:10 AM, Aug 27, 2015

BILLINGS, MT - Republicans say they're not satisfied with a U.S. Environmental Protection Agency claim that a 3-million-gallon toxic spill from an inactive gold mine was likely "inevitable," even though there had been prior warnings that such a spill could occur.

An EPA internal investigation determined federal and state regulators mistakenly concluded water pressure inside the mine near Silverton was not high enough to cause an accident.

That turned out to be wrong. The pressure blew on August 5 when a government cleanup team started excavation and cleanup work on the site. The accident sent a torrent of poisoned mine water into rivers in Colorado, New Mexico, Utah and on the Navajo Nation.

A report summarizing the investigation appeared to minimize the agency's responsibility, with the suggestion that a blowout likely could not have been avoided.

The Associated Press reported Saturday that EPA managers knew that a release of "large volumes of contaminated mine waters" was a possibility as early as June, 2014. The concerns about a large spill were repeated in a May work plan from an agency contractor, Environmental Restoration.

Yet officials drew up only a cursory spill response plan and appeared to take few extra precautions when working at the mine site this summer.

"This new report cannot excuse their liability in causing the spill and the negative impact it is having downstream," U.S. Senate John Barrasso said in response to EPA investigation. "The EPA will have to explain to the American people how this happened."

Barrasso, a Wyoming Republican who chairs the Senate Indian Affairs Committee, has scheduled a September 16 hearing on the Gold King Mine spill. It's one of a series of hearings on the accident planned by Republicans once Congress returns from its August recess.

In the report released Wednesday, EPA officials also faulted procedures that left personnel largely unprepared for the spill and recommended changes to avoid a repeat of the accident.

Other investigations are pending from the EPA's Inspector General and the U.S. Interior Department. But Colorado Attorney General Cynthia Coffman said an outside review "is a must."

"I don't trust the EPA of this administration to investigate itself," said Coffman, a Republican. "It would never have allowed BP to investigate the Deepwater Horizon oil spill."

A spokeswoman for Colorado Gov. John Hickenlooper said the Democrat would be briefed on the EPA investigation after it was reviewed by Natural Resources staff. Spokeswoman Kathy Green declined further comment.

The toxic sludge released from the mine prompted the shutdown of some public drinking water and irrigation systems and tainted hundreds of miles of rivers.

Some farmers on the Navajo Nation who draw water from one of the affected rivers, the San Juan, want to keep irrigation systems shut down for at least a year to avoid contaminated sediments that experts say likely settled onto river bottoms.

EPA Deputy Administrator Stan Meiburg said on a Wednesday conference call that underestimating the water pressure inside the mine workings "was likely the most significant factor relating to the blowout."

The internal investigation revealed that regulators could have drilled into the mine to get a better gauge on how much pressure had built up. That didn't happen.

"This procedure may have been able to discover the pressurized conditions that turned out to cause the blowout," the investigation report said.

However, Meinburg said there was "no evidence to suggest this technique would be necessary," and other factors indicated there was little or no pressure inside the mine.

**Associated Press (via New York Times)**

http://www.nytimes.com/2015/08/27/us/colorado-inquiry-faults-regulators-in-mine-spill.html?_r=0

**Colorado: Inquiry Faults Regulators in Mine Spill**

By THE ASSOCIATED PRESS

AUG. 26, 2015

Federal and state regulators underestimated the potential for a toxic blowout from a Colorado mine, despite warnings more than a year earlier that a large-volume spill of wastewater was possible, an internal government investigation released on Wednesday found. The regulators wrongly concluded there was little or no pressure from the millions of gallons of water trapped inside the inactive Gold King mine, the federal Environmental Protection Agency concluded in its inquiry. It was unclear when that determination was made. The spill occurred on Aug. 5 when a government cleanup crew doing excavation work triggered the release of about 3 million gallons of sludge that fouled hundreds of miles of rivers in Colorado, New Mexico and Utah. "There was in fact high enough water pressure to cause the blowout," Stan Meiburg, deputy administrator of the E.P.A., said after the release of documents summarizing the investigation. He said the error was probably the most significant factor. The investigation also revealed that regulators could have drilled into the mine to get a better gauge on how much pressure had built up. The investigation concluded the spill was probably inevitable, despite earlier warnings and the potential that drilling would have detected the pressure. Asked to reconcile those seemingly contradictory facts, Mathy Stanislaus, an assistant administrator at the agency, said it was unknown if the drilling could have been done.

**Crested Butte News (CO)**

http://crestedbuttenews.com/2015/08/epa-puts-standard-mine-remediation-work-on-hold/

**EPA puts Standard Mine remediation work on hold**

EPA extra cautious after Gold King spill

By Adam Broderick

August 27, 2015

On August 5, a cleanup team for the EPA accidentally released nearly three million gallons of water contaminated with heavy metals into Cement Creek, a tributary of the Animas River near the town of Silverton, Colo.

News of the accident traveled far and fast, and the EPA took grief from many. To reduce the risk of something similar happening at the Standard Mine on Mt. Emmons, the EPA has suspended work at the site "out of abundance of caution" while it analyzes exactly what happened at the Gold King and determines how to move forward at the Standard in the safest way possible.

Christina Progess, EPA Superfund project manager, said the goal at Gold King was to assess the ongoing water releases from the mine, treat the mine water, and assess the feasibility of further mine remediation.

"There are many differences between the known conditions of the underground workings at Standard Mine and the unknown conditions at the Gold King that make it unlikely that a similar sized event would occur at Standard Mine," said Progess. "However, there are also some similarities between the two sites, namely the existence of water behind the collapse within Level 1 workings and the need to intercept those workings and remove the water in order to design and construct a flow-through bulkhead in Level 1. EPA is very concerned about what happened at the Gold King and very interested in ensuring the same thing does not occur to threaten the town of Crested Butte's drinking water or the ecology of the Coal Creek and Slate River watersheds."

Shortly after the Gold King accident, EPA administrator Gina McCarthy suspended operations at 27 mining projects across the country. Ever since, an independent third-party contractor, Tetra Tech, has been conducting a multi-layered management review process of each mine one-by-one.

According to EPA mining engineer Jim Hanley, the Tetra Tech team is composed of mostly engineers who have been in the business of optimizing Superfund sites. In other words, Hanley explained, a Superfund team shows Tetra Tech what they plan to do at a site, and Tetra Tech tweaks their plan to make sure it's the most cost-effective, efficient plan possible.

"It's called optimization of projects," Hanley told the News. "This time, though, they're not so much doing that as they are looking for vulnerabilities, fatal flaws, areas of risk that weren't adequately accounted for in the design. So they're looking at how the construction might be putting the mine and the people downstream at risk."

The Tetra Tech team began their review of the Standard Mine on Monday, August 24, and will give the EPA its opinion by Thursday, August 27. Hanley says he doesn't know exactly what has been discovered at Gold King, but says the Tetra Tech team was pretty positive in their response to current design plans. He predicts they won't recommend the EPA do anything differently at the Standard Mine. He knows that operations could remain suspended for another week or two, and Progess says the earliest work could restart would be in that same timeframe.

Hanley believes that at the very best, "If we get a favorable opinion from them, we might have our construction crew back at work as early as Monday."

The Standard Mine was not completely abandoned when operations were suspended. The EPA is paying for a caretaker crew to basically make sure nothing goes wrong, and since all water flows through the ponds by gravity and there is no pumping involved, pumps don't need to be kept running. Hanley says the work crew is doing various repairs on equipment and other tasks they had deferred for a while, and making sure all ponds flow as they should.

With the anticipated installation of a bulkhead in the mine's lowest level to reduce pressure buildup and avoid major catastrophe, this delay in work could potentially prevent the EPA from moving forward at a consistent pace. Still, Hanley says, things are still looking pretty good for the time being.

"We did a scheduled analysis to make sure we could complete all the work we planned before

the snow comes, and we're pretty sure we can finish work for the year before late October. Then we would close up the mine properly so we can get back in there and restart as soon as snow melts," Hanley said.

According to Progess, the team plans to update the Town Council with study results at the September 8 meeting.

As for local concerns about health and human safety, according to Crested Butte's Public Works director, Rodney Due, "Crested Butte has enough drinking water available in the town reservoir to supply the town for one month."

**Daily Caller**

http://dailycaller.com/2015/08/26/epa-mine-spill-colorado-review/

**EPA Admits It Ignored 'Challenging And Costly' Safety Measures, Then Concludes Mine Spill 'Likely Inevitable'**

RACHEL STOLTZFOOS

9:45 PM 08/26/2015

The EPA admitted it could have done more to avoid the toxic Colorado mine spill in a decidedly defensive internal review of the agency's response to the crisis released Wednesday.

EPA-supervised contractors working on abandoned mines in southern Colorado underestimated the water pressure behind a blockage they were working to remove, and ended up unleashing 3 million gallons of toxic waste from the Gold King Mine earlier this month.

The contractors could have drilled into the mine to determine the exact water pressure, the

internal review acknowledges. But they decided against it because the process — which has been completed successfully at other sites — would have been challenging and expensive, and because no one involved raised any concerns.

"Because of the soil and rock conditions, the access and drilling of a hole into the Adit from above would have been quite costly and require much more planning and multiple filed seasons to accomplish," the review says. "Although difficult and therefore expensive and technically challenging, this procedure may have been able to discover the pressurized conditions that turned out to cause the blowout."

Mine waste has spread hundreds of miles to Lake Powell in Utah since the initial breach, and experts have stated it could take decades to clean up the mine waste that's spread throughout Navajo Nation. American Action Forum estimates the cleanup could cost taxpayers anywhere from $3 million to $16 billion.

Seven of the eight conclusions the EPA arrived at in the review are essentially a defense of its site investigation team, which was part of a crew sent to do cleanup work.

"None of those participating or informed parties raised any significant concerns with the proposed activities," the review concludes firstly, noting that the team had "extensive experience" and "inspected the area."

And in the fifth conclusion: "It should be noted that the site team responded appropriately during and after the blowout … "

Only later in the review does the EPA get begrudgingly and briefly conclude that "additional expert opinions may be warranted" at future sites.

The blowout "was likely inevitable," the review concludes, again praising the on-site crew that caused the toxic spill by noting they "probably avoided any fatalities" with their response.

The review recommendations include more guidance, including from regional mining engineers and geologists, more protocols for blowouts, and a panel of experts consisting of the mining industry.

**Daily Times (NM)**

http://www.daily-times.com/four_corners-news/ci_28708922/animas-river-runs-low-after-gold-king-mine

**Animas River runs low after Gold King Mine spill**

Watershed has little monsoon rainfall, official says

By Hannah Grover The Daily Times

UPDATED: 08/26/2015 07:55:57 PM MDT0 COMMENTS

FARMINGTON — It isn't unusual to see the Animas River run low in August when hot weather and a lack of moisture cause greater needs for irrigation, according to Mary Beth Friis, whose family owns the Bandy Ranch in Aztec.

However, in the six years she has been tending the Sargent Ditch, she has never seen the ditch empty.

But, since the Gold King Mine spill in early August, her family has been depending largely on rain water and the generosity of neighbors to help irrigate their fields and garden.

"We were so excited to get our water back on, and that lasted one day," she said.

The Sargent Ditch reopened Aug. 15 after being closed to avoid contamination from the mine spill. It was dry again one day later because the water level in the Animas River had dropped so low that none was flowing through the head gate into the ditch.

Friis said she thinks the drop in water was because everyone started drawing out of the Animas River at the same time to irrigate their fields.

But Lela Hunt, a spokeswoman from the New Mexico Office of the State Engineer, said that was a coincidence.

"The river level is low, but it is actually at about what would be expected at this point in the summer and in relationship to local water use activities, upstream actions affecting what comes into the state, and current precipitation," Hunt said in an emailed statement.

She said the Animas River watershed has received very little monsoon rain in August.

"The appearance that river water levels dropped only due to the resumption of normal irrigation diversions is coincidental," Hunt said.

"The river would have been at the same level it is now even if the ditches had all remained open while the mine spill plume passed through the area, although the drop would probably have been more gradual," she said.

Data posted on the U.S. Geological Survey's website show a small increase in the river's discharge — the volume of water flowing in the river — starting Aug. 7 in Farmington. That was the day the plume of toxic mine waste reached Farmington, turning the water a mustard color.

The discharge began to decrease rapidly on Aug. 15, according to the USGS data. That coincides with the day San Juan County irrigators outside the Navajo Nation reopened their ditches. Irrigators were told they could open their ditches on Aug. 14. Many ditch owners began flushing their ditches that evening. After flushing the ditches for 12 hours, the farmers were allowed to use the water to irrigate their crops.

The measurements of the Animas River on Wednesday in Farmington showed that the discharge was 97 cubic feet per second, far below the average rate of 463 cubic feet per second.

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**Durango Herald (CO)**

http://www.durangoherald.com/article/20150826/NEWS01/150829696/-1/s/Wildlife-officials-survey-fish-in-wake-of-spill-

**Wildlife officials survey Animas River fish in wake of Gold King Mine spill**

Experts float waterway to measure harm to aquatic life

Jonathan Romeo

Wednesday, August 26, 2015 10:45pm

Animas River fish populations were already on the decline when an estimated 3 million gallons of mine runoff contaminated its waters earlier this month. Now, wildlife officials are trying to determine if the Gold King Mine spill further exacerbated a decades-old problem.

This week, aquatic specialists for Colorado Parks and Wildlife have been conducting a river survey – from Cundiff Park to the walking bridge behind the La Plata County Fairgrounds – to better understand the Aug. 5 spill's impact on fish populations.

"We did it last year, and we normally skip a year," Parks and Wildlife spokesman Joe Lewandowski said. "But because of the spill, our biologists decided it'd be a good time to do it again and see what's going on."

Essentially, crews place electric probes in the river to stun fish, which are then scooped up, marked, weighed and released. Wildlife officials will make another pass of the same section to compare the marked and unmarked fish, giving them an idea of the population trends.

"There's just a lot of community interest now of how the spill might affect the fish population," aquatic biologist Jim White said.

Although the survey began Monday, White said specialists were already getting an idea that fish in the Animas were not wiped out by the orange plume. Instead, numbers reflect the continuing downturn of the river's fish.

"It's similar to last year, which is not good," White said.

For the past 10 years, fish populations in the Animas have been on a steady decline. White said a number of factors, including less water in the river, urban runoff and higher water temperatures, are to blame.

Ty Churchwell, Animas River coordinator for Trout Unlimited, said heavy metals in the water are a component of fish decline but are not the "smoking gun" most people think it is. He said pH levels in the water during the spill never reached a measure that would have made the metals devastatingly toxic.

"We are grateful there was not a mass die-off of trout when the plume came through," he said. "But the Animas has been impacted and impaired by heavy metals for decades. That was a really big flush of water ... but we think long-term exposure is far more detrimental than short-term exposure."

Further up in the Silverton Caldera, Cement Creek flows as a toxic, inhabitable stream, fueled by a history of unregulated mining practices. Wildlife experts have said they never expect the creek to be hospitable to aquatic life, but more optimism has been directed at the flow waters beneath where Cement and the Animas meet.

Fish populations there did rebound in the 1990s when stakeholders of the mine installed treatment plants that improved water quality. But in 2004, state and federal agencies, along with owners of the mine, decided to plug the mine and shut down the water-treatment facility.

About 25 miles downstream from Silverton, the presence of trout all but disappeared, with 3 out of 4 species now gone. It is there where state wildlife officials will go in the next couple of weeks to test waters to see if any fish remain in the wake of the spill.

"The moral of the story is: We've had water-quality issues in the Animas for a very long time," White said. "We've seen signs of that upstream, where fish are truly affected by the metals. The goal is for mitigation in the Silverton area. Any bit of improvement in Silverton helps."

Luckily for business owners who rely on the Animas for fishing and tourism, by the time waters reach downtown Durango, metal concentrations are diluted enough that recreation on the river is deemed safe.

Kyle Hartley, manager at Duranglers fly-fishing shop, said the number of people coming into the store died pretty fast after the spill, but in the weeks since, tourism has rebounded.

"The river's fishing great for us right now," he said.

Hartley said the Animas accounts for a small percentage of the trips the store offers, mostly because the fishery has been in poor health for such a long time, but also because of the plentiful options in the area.

"We're lucky everything around us is so great, and we can go other places," he said. "But we always tell people do not eat the fish (out of the Animas). Its been polluted forever."

The Animas will continue to be studied by a variety of local, federal and state agencies as more information is gathered in the aftermath of the spill. Lewandowski said the test results on the 108 fish that were placed in the river, only one of which died, should be available next week.

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**Durango Herald (CO)**

http://www.durangoherald.com/article/20150826/NEWS01/150829699/Silverton-San-Juan-officials-seek-to-clarify-Superfund-position-

**Silverton, San Juan officials seek to clarify Superfund position**

Federal listing should be on the table for Gold King Mine

By Peter Marcus Herald staff writer

Wednesday, August 26, 2015 10:42pm

DENVER – Silverton and San Juan County officials Wednesday sought to dispel notions that they are backtracking on resistance to Superfund status in the wake of the Gold King Mine spill.

In a letter from Silverton Mayor Christine Tookey and San Juan County Commissioner Ernie Kuhlman, the officials state that while Superfund status should be on the table, they have not "foreclosed any options." The federal listing offers additional resources to clean up blighted areas that could be toxic to humans.

Silverton and San Juan County have been fighting accusations that the town and county are partially responsible for the Gold King Mine disaster because they resisted Superfund status. Some in the community feared that a federal listing would be a black eye and endanger tourism.

Efforts at reclamation for Gold King Mine would have been bolstered by an influx of federal resources. Without the Superfund status, only a small EPA-contracted team was working on the reclamation. An error by the team Aug. 5 caused an estimated 3 million gallons of mining wastewater from the Gold King Mine to pour into the Animas River, turning it a mustard-yellow color.

A recent joint resolution from the town and county stated that they would work to petition Congress for federal disaster dollars. Reports suggested that the move was a reversal, or a paradigm shift. But county and town officials say otherwise, arguing that the reports were filled with "misinformation."

"We are not interested in playing the blame game," the letter states. "The past is the past, and we all need to move forward to address the issues facing all of the communities in the Animas River Basin. This is a complex issue, and we all need to work together to solve the issues.

"To be clear, this community owns this problem and is committed to working with everyone," the letter continues. "We have suggested applying for federal disaster relief as a way to get more resources on the ground immediately to address the impacts of the Gold King Mine spill."

**KUNC Public Radio (CO)**

http://www.kunc.org/post/colorado-cleaning-its-toxic-mining-legacy-one-creek-time#stream/0

Colorado Is Cleaning Up Its Toxic Mining Legacy, One Creek At A Time

By STEPHANIE PAIGE OGBURN

8/27/15, 7:40 am EST

[Listen to the story online]

Carol and John Wagner's ranch is surrounded by green pastures, with spectacular views of the northern San Juan mountains. The Wagners moved here from Pennsylvania in 1986, to raise cattle. When they first arrived, Carol said they wondered what was wrong with the creek that meandered through their property.

"Nothing could live in it," she recalled. Grass didn't grow along its banks, and there were no fish or bugs.

That creek, called Kerber Creek, is just a small piece of the legacy left by hard rock mining across the West. When Tang-colored water spilled from a mine into the Animas River, it caught the nation's attention. Yet unknown to most, there are people who work day in and day out cleaning up the many hundreds of abandoned mine sites across Colorado. This sort of mine cleanup work is a seldom never-ending process, fraught with logistical challenges, financing problems, even the looming threat of lawsuits.

To understand what killed Kerber Creek, it's helpful to drive 15 miles above Wagner's ranch, into the mountains where miners tunneled and blasted searching for gold, silver, and copper over 100 years ago. You'll pass hillsides bored through with abandoned mine tunnels. Old mine structures, like the Cocomongo Mill and mine, and piles of rocky waste dot the landscape.

Much of mine waste is referred to as tailings, pea-sized rocks that were processed by miners. That, along with larger waste -- stained yellow, orange, white, gray, brown -- reaches many stories high. It almost looks like the mountain was turned inside out. Jason Willis, who works with the conservation group Trout Unlimited on mine cleanups across Colorado points out that these rocks are full of heavy metals.

"You could probably have zinc or copper, arsenic, aluminum, you kind of run the gamut of the abandoned mine lands suite of metals," said Willis.

Those same metals are what killed the stream on Carol Wagner's ranch. They were also in the water that flowed from the Gold King Mine above the Animas River in Durango, staining it orange for days. The Environmental Protection Agency was working to cut down on the flow of polluted water at its source. A similar effort took place a few miles over from Cocomongo, at the Rawley 12 mine tunnel, beginning in the early 1990s.

Laura Archuleta, of the U.S. Fish and Wildlife Service, is all business when it comes to mine cleanups, but she also shows the patience and sense of humor necessary to get through such large, long term projects. She smiles while telling a tale of an excavator that got stuck in quicksand-like tailings.

"They got it out eventually," Archuleta recalled.

The Rawley 12 tunnel and rehabilitation site once gushed orange, acidic water into Squirrel Creek, then down into Kerber Creek. The tailings below were difficult enough to walk on that some workers used snowshoes so they wouldn't sink in.

It took hundreds of dump trucks to remove the tailings mess. The Fish and Wildlife Service, working in conjunction with a couple handfuls of state, local and federal agencies, had to build a holding pond to store and treat the mine wastewater as they worked. Workers also had to rebuild part of the mine tunnel here before they could plug it. It's hard, expensive work.

"Sometimes mine restoration looks a lot like mining," Archuleta said, showing off a picture of workers in hard hats and head lamps.

Today, the tailings have been trucked away and safely stored. Native grasses and plants have sprouted, and tiny evergreens are beginning to colonize the bare soil. Archuleta points to the ground.

“Dandelions are growing here, dandelions are actually a good sign because they will not grow in metals enriched soils.”

All this had to be done before any restoration could happen lower down, at the creek running through the Wagner's ranch. In 2012, the U.S. Department of Agriculture’s Natural Resources Conservation Service started a cleanup at the ranch, and Jason Willis and Trout Unlimited, along with numerous partners, have continued that work, applying for state and federal grants to fund it.

Finding that money is an ongoing problem for these large scale cleanups. One solution could be requiring existing mines on public lands to pay royalties, said University of Colorado law professor Mark Squillace.

“You could easily impose a fee on the tonnage that is produced from these mines to fund a program to reclaim hardrock mines.”

That would take legislation, though, which is unlikely, said Squillace.

Liability is another issue, since groups that take on big cleanups can be sued if they can’t bring a creek up to Clean Water Act standards. That limits groups like Trout Unlimited's ability to take on certain types of cleanups. So-called “Good Samaritan” legislation to address these problems has been proposed, including by former Colorado senator Mark Udall, but has failed to pass.

The highly visible spill on the Animas River has led to renewed calls to update these laws. Those involved say Good Samaritan legislation could be hard to get right, for a couple of reasons. First, changes to the law would need to ensure it didn’t over protect mining companies who could reopen mines, make money, and then hide behind Good Samaritan liability protections. Second, because it involves opening up the Clean Water Act for modification, some on the environmental side are worried the law could be weakened through the amendment process.

An excavator moves dirt and rocks as part of the rehabilitation of Kerber Creek.

Back at the Wagner ranch, an excavator clangs as it lifts giant boulders and places them in the creek, stabilizing the bed and preventing erosion. That heavy equipment will also till in lime to neutralize the soil, and compost to help plants grow. Since the rehabilitation work began, Carol Wagner said she's seen a huge difference.

"And now there's trout living here in the creek and a lot of wildlife are here, and it's just changed everything," she said.

That cleanup has been decades in the making. For Colorado to deal with its abandoned mine problem, this work has to happen over and over, in various iterations and circumstances. The state Division of Mining Reclamation and Safety estimates out of the 22,000 abandoned mines across the state, 500 of them are currently polluting the water down below. It will take decades to address the problem, one mine tunnel and creek at a time.

**Reuters**

http://www.reuters.com/article/2015/08/26/us-usa-colorado-spill-idUSKCN0QV2G020150826

**EPA lacked view of pressure buildup at Colorado mine, internal report says**

BY ALEX DOBUZINSKIS

Wed Aug 26, 2015 5:59pm EDT

A U.S. Environmental Protection Agency team working to address seepage at an abandoned Colorado gold mine underestimated water pressure at the site before triggering a blowout that sent toxic waste into rivers, according to an internal report released by the agency on Wednesday.

The Aug. 5 blowout at the Gold King Mine located on a creek outside Silverton in southwest Colorado sent more than 3 million gallons (11,360 cubic meters) of acid mine sludge into the

nearby Animas River, with the plume later flowing from the Animas into the San Juan River in New Mexico.

The spill of bright orange wastewater, which carried high concentrations of heavy metals such as arsenic, lead and mercury, was an embarrassment for the U.S. Environmental Protection Agency.

It led officials to temporarily shut off intake of river water in Durango, Colorado, and the New Mexico towns of Farmington and Aztec, while creating problems for farmers needing to irrigate their crops on the Navajo Indian reservation and other areas along affected waterways.

The internal EPA report said a team was at the Gold King Mine on Aug. 5 as part of a project to reopen a passage into the mine and assess wastewater seepage. During an excavation of a blockage, something appears to have been knocked loose that sent wastewater spurting out, the report said.

The team was experienced and had followed a solid work plan, but the "underestimation of the water pressure in the Gold King Mine workings is believed to be the most significant factor relating to the blowout," the report said.

The EPA could have been tipped off that water pressure was building up by the fact that flows from mine passageways had decreased in previous years, the report said.

The U.S. Department of the Interior is working on a separate report on the factors that led to the blowout.

On Aug. 14, a stretch of the Animas River in Colorado was reopened to kayaking and rafting, and officials said waterways affected by the spill were returning to normal through dilution.

The EPA has measured for contamination as far away as Lake Powell on the border between Arizona and Utah, but has said it expects no significant effects from the spill at the lake.

Analysts say contaminants have settled into river sediments, where they can be churned up and unleash a new wave of pollution when the rivers flood.

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**Vail Daily News**

http://www.vaildaily.com/news/eaglevalley/17862241-113/sen-bennet-talks-water-and-mine-clean-up-in

**Sen. Bennet talks water and mine clean-up in Vail**

Brent Gardner-Smith

8/26/15

VAIL — Speaking at the Colorado Water Congress' summer meeting in Vail this week, U.S. Senator Michael Bennet said it would take an "all-of-the-above" strategy to meet Colorado's future water needs.

"The bottom line for me is that we've got to look at water a little bit like we look at energy in Colorado," said Bennet, a Democrat who was elected in 2010. "We need an all-of-the-above strategy that includes storage and conservation and efficiency. The reality is that we will need to make the best use of the water we have for the rest of our lifetimes."

The need for additional water storage facilities — new dams and reservoirs — is a consistent message heard at the Water Congress meeting and at water-supply planning meetings around the state.

Bennet acknowledged the time and effort that many attendees at the event have spent developing a statewide water plan, which is being prepared by regional "roundtables" and the Colorado

Water Conservation Board.

The final plan will be submitted to Gov. Hickenlooper in December and comments on the second draft are due Sept. 17.

"I know that a lot of you here already have contributed many hours, days and even years, and even, really, lifetimes to the effort," Bennet said. "The water community, the environmental groups, utilities, local governments and agricultural users have all been involved in the drafting of that plan."

He added, "Whatever comes out in the final plan, it's clear that action will be necessary to address the challenges that Colorado will face in the coming decades."

In his opening remarks, Bennet was highly critical of the gridlocked nature of the U.S. Congress and said he's tried very hard not to spend "one second over the last six years contributing to the dysfunction that's there," but instead has worked to find "bipartisan solutions to real challenges that we have."

He spoke of a week-long tour of the wheat fields of eastern Colorado that he took recently with Republican U.S. Senator Cory Gardner, of Colorado, and how the two of them also agreed to travel to Durango together in the wake of the Gold King Mine spill that discolored the Animas River on Aug. 5.

"It is fun, people see a Democrat and a Republican working together, and they wish they were seeing that in D.C." Bennet said.

In response to a question, Bennet said he was exploring a Colorado-only version of Good Samaritan legislation, which would shield individuals and organizations that want to work to clean up old hard-rock mines from inheriting the full liability for the mine.

"If we could figure out a way to develop some sort of pilot legislation — we've been talking to Congressman Tipton's office about that — that would allow us to do what needs to be done in our state, that would be a good step forward," Bennet said, noting there are "thousands" of old mines in Colorado that need to be cleaned up. "Being stuck in this stasis of not being able to address it guarantees exactly what happened the other day. I don't think we ought to have our state have to confront something like this again."

**Wall Street Journal**

http://www.wsj.com/articles/u-s-watch-1440641401

**Team Underestimated Risk, Review Finds**

(From U.S. Watch: A roundup of news items from throughout the country)

Aug. 26, 2015 10:10 p.m. ET

Dan Frosch

The Environmental Protection Agency said Wednesday it had underestimated the amount of water built up in an abandoned Colorado mine, a miscalculation that led to a massive release of toxic sludge into the Animas River this month.

In its initial review, the agency said a specialized EPA team had erred in its assessment of water pressure in the Gold King Mine, despite being familiar with the area's topography and having analyzed water-flow data.

The report also concluded that a spill from the mine was likely inevitable, pointing out that a prior plan on cleaning up the mine had raised the prospect of a blowout.

An estimated three million gallons of toxic water in the mine burst out Aug. 5, tainting water supplies used by numerous entities, including farmers and the Navajo Nation, for days.

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**Washington Post**

http://www.washingtonpost.com/news/energy-environment/wp/2015/08/26/heres-why-warning-signs-for-epas-mine-waste-spill-were-missed-and-why-it-could-happen-again/

# Here's why warning signs for EPA's mine waste spill were missed — and why it could happen again

By Joby Warrick

August 26 at 4:36 PM

U.S. officials responsible for the Aug. 5 spill of toxic mine waste in southwestern Colorado had no plan in place for dealing with a catastrophic breach of the kind that fouled a long stretch of the state's Animas River, an internal inquiry has concluded.

No one, from the local contractor to federal overseers in Washington, saw warning signs of a dangerous build-up in water pressure inside the Gold King Mine, which discharged 3 million gallons of liquid waste when an earthen wall collapsed as cleanup work was underway, investigators said in the report released Wednesday.

Despite an extensive study of the mine site, the Environmental Protection Agency's cleanup team was unsure of the volume of water inside the mine before the breach, the EPA-appointed expert team found.

"Given the maps and information known about this mine, a worst-case scenario estimate could have been calculated and used for planning purposes," the report stated. As it was, the EPA's

team was "lacking emergency protocols in the case of a significant flow or blow out," the document said.

The report is a distillation of the EPA's initial, three-week inquiry into the spill, which turned the Animas River mustard-yellow for dozens of miles and caused a temporary spike in levels of arsenic and other contaminants. EPA officials accepted responsibility for the spill, which occurred as a contract crew was performing work at the century-old mine near Silverton, Colo. EPA and Colorado state environmental officials had been seeking stop a slow leak of toxic metals from the abandoned mine into local waterways when the incident occurred.

EPA officials accepted the report's conclusions while noting that it is not clear whether the pressure build-up inside the mine could have been detected. Data collected in the weeks before the spill gave no hint of problems, and more expensive drilling tests to detect high water pressure were impractical because of the mine's location in a remote area on steep and unstable slopes.

"Certain precautionary steps were taken based on the conditions and information they knew," Mathy Stanislaus, the EPA's assistant administrator for the Office of Solid Waste and Emergency Response, told reporters. "While additional steps could have been taken under some circumstances, it's not sure that [those] could have identified the blow-out conditions."

The EPA report recommended new guidelines to assess risk levels at the scores of other abandoned mine sites that could be subject to government clean-up in the future. It also called for more contingency planning, to include protocols for dealing with a blowout "at those mine sites where there is a potential for such an event to occur."

**Washington Times**

http://www.washingtontimes.com/news/2015/aug/26/epa-gauge-mine-water-level-spill-difficult-pricey/

**EPA: Gauging mine's water level before spill would have been 'difficult,' 'expensive'**

By Valerie Richardson - The Washington Times

Wednesday, August 26, 2015

DENVER | An EPA internal review released Wednesday concluded that its crew underestimated the water pressure building up behind the debris at the Gold King Mine, but that it would have been "very difficult and expensive" to figure that out.

The review, led by five EPA personnel, said that the mine crew could have gleaned more data from the blockage at the mine by using "a drill hole inserted further back into the [mine entrance] from above the mine tunnel," which had been done at the nearby Red and Bonita Mine.

Because that drill hole had found no pressurization at the Red and Bonita Mine, however, "it was determined that the tunnel was not full of water and excavation of the [opening] at that mine could proceed."

"Although difficult and therefore expensive and technically challenging, this procedure may have been able to discover the pressurized conditions that turned out to cause the blowout," said the 11-page report.

Instead, the crew accidentally uncorked a 3 million-gallon torrent of orange wastewater Aug. 5 that moved from Cement Creek to the Animas River and then San Juan River in New Mexico, contaminating water supplies for communities along the waterway and two Indian tribes.

The report comes as the first federal evaluation of the reasons for the toxic spill, but not the last. The Interior Department is leading a 60-day review of the accident that cut off water supplies to residential and agricultural users for more than a week.

While noting that the crew could have done more to prevent the spill, the review also said that the flood of contamination wasn't necessarily avoidable.

"If the pressure information was obtained, other steps could have been considered," the review said. "However, the Team cannot determine whether any such steps would have been effective, or could have been implemented prior to a blowout."

What's more, the review gave its on-scene coordinators a pat on the back, crediting their quick reaction for staving off a worse crisis.

"Actions taken by the EPA OSC to pull out the site personnel and crew from and near the [mine opening], just prior to the blowout, probably avoided any fatalities from the pressurized … blowout," said the review.

The EPA has come under criticism for waiting 24 hours before notifying state and local authorities about the contamination moving down the river.

Earlier this month, kayakers and rafters returned to a stretch of the Animas River in Colorado, and officials said waterways affected by the spill were returning to normal through dilution, the Reuters news agency reported.

But analysts told the wire service that contaminants have settled into river sediments, where they can be churned up and unleash a new wave of pollution when the rivers flood.

**From:** Bressler, Lindsey
**Sent:** Wednesday, August 26, 2015 4:38 PM
**Subject:** RE: CO Mine Spill Clips - 8/26

**ABC News Channel 7 Denver (CO)**

http://www.thedenverchannel.com/news/mine-disaster/epa-agencys-accidental-spill-of-3m-gallons-of-toxic-mine-water-likely-inevitable

**EPA: Agency's accidental spill of 3M gallons of toxic mine water 'likely inevitable'**

Test drilling may have shown blowout threat

Alan Gathright

1:41 PM, Aug 26, 2015

DENVER - Testing may have revealed the threat, but a U.S. Environmental Protection Agency review found that the massive toxic water spill from the Gold King Mine was "likely inevitable."

The EPA decided against doing what they called costly and technically difficult test drilling at the site.

The spill on Aug. 5 unleashed 3 million gallons of contaminated wastewater from the abandoned mine near Silverton that fouled rivers in three states with an orange-colored plume.

The blowout occurred as EPA and contractor workers were excavating soil to reopen the mine entrance -- technically called an "adit" -- as part of an ongoing effort to assess how to stop water leaking from the contaminated mine.

"Because of the soil and rock conditions, the access and [test] drilling of a hole into the Adit [mine entrance] from above would have been quite costly and require much more planning and multiple field seasons to accomplish. Although difficult and therefore expensive and technically challenging, this procedure may have been able to discover the pressurized conditions that turned out to cause the blowout," the report stated.

"In reviewing the pertinent documents provided, interviews conducted, visiting the site and evaluating the photo logs, the [EPA review] Team concludes that the Adit blowout was likely inevitable. "

The report also found that EPA On-Scene Coordinator's decision to "pull out the site personnel and crew from and near the Adit, just prior to the blowout, probably avoided any fatalities from the pressurized Adit [mine entrance] blowout."

Independent reviews of the spill are being conducted by the Inspector General who oversees the EPA and the U.S. Department of the Interior.

**Bloomberg**

http://www.bloomberg.com/news/articles/2015-08-26/blowout-precautions-insufficient-in-epa-colorado-mine-disaster

**Blowout Precautions Insufficient in EPA Colorado Mine Disaster**

Jim Snyder

August 26, 2015 — 2:49 PM EDT

Federal and state officials underestimated the water pressure of a toxic pool inside an abandoned gold mine in Colorado, contributing to the blowout that polluted the nearby Animas River three weeks ago.

An investigation by the Environmental Protection Agency of the incident at the Gold King mine in Silverton, Colorado, found insufficient precautions in place to prevent a blowout.

The accident spewed 3 million gallons of mustard-colored water into the Animas, which flows into other rivers in the U.S. Southwest. Testing revealed elevated levels of lead, arsenic and magnesium, all hazardous to humans and the environment.

There "was in fact high enough water pressure to cause a blowout," Stan Meiburg, EPA deputy administrator, told reporters on Wednesday.

Experienced officials from EPA and the Colorado Division of Reclamation, Mining and Safety had concluded the pressure behind a barrier at the mine entrance was probably minimal, based on measurements taken at nearby sites, according to the report completed Aug. 24.

Mathy Stanislaus, EPA assistant administrator in the Office of Solid Waste and Emergency Response, said the blowout may have been inevitable given the difficulty in obtaining accurate measurements behind the blockage.

The terrain at the mine is steep and unstable, and drilling for an accurate measurement was expensive and time consuming, according to the report.

The Aug. 5 accident occurred as contractors for the EPA attempted to release the wastewater in the mine to minimize leaks. Instead, the workers triggered the blowout. The Animas flows south into New Mexico and eventually to Lake Powell on the Utah-Arizona border.

"The inability to obtain an actual measurement of the mine water pressure behind the entrance blockage seems to be a primary issue at this particular site," the EPA report said.

EPA Administrator Gina McCarthy apologized for the spill in an Aug. 11 press conference. "I'm absolutely, deeply sorry that this ever happened," she said.

**Vice News**

https://news.vice.com/article/colorado-mine-blowout-that-turned-rivers-yellow-was-likely-inevitable

**Colorado Mine Blowout That Turned Rivers Yellow Was 'Likely Inevitable'**

By Matt Smith

August 26, 2015 | 4:05 pm

The mine wastewater spill that turned two Colorado rivers into a mustard-yellow broth of heavy metals was "likely inevitable," but inspectors had no sign it was imminent, the US

Environmental Protection Agency (EPA) reported Wednesday.

The team working to clear debris from the opening saw only small amounts of water escaping from the Gold King Mine before the August 5 accident, an internal EPA report concluded.

"But there was in fact high enough water pressure to cause a blowout," EPA Deputy Administrator Stan Meiburg told reporters in releasing the report. "Expensive and technically difficult" drilling could have detected that high pressure, Meiburg said.

"However, professionals on the ground from the EPA and the state of Colorado did not have evidence to suggest this technique would be necessary," he added.

The blowout sent 3 million gallons of acidic water laced with lead, cadmium, arsenic, and other heavy metals into nearby streams that feed the Animas and San Juan rivers, which ran a vivid orange-yellow for several days as the tailings washed downstream.

The EPA has come under heavy criticism from conservationists, elected officials, and the Navajo Nation since the spill, not only for the accident itself, but for being slow to notify state, local, and tribal governments downriver about the blowout. Meiburg said EPA admits "that broader notification should have been done," and the agency will work to improve communications in the future.

Wednesday's report was the result of a weeklong investigation by a team of scientists and engineers who reviewed documents, interviewed witnesses, and visited the site, Meiburg said. Other investigations are under way by the agency's independent inspector-general and the Interior Department, he said.

Gold King is one of thousands of long-closed mines that dot the Colorado mountains. It's been closed for decades — but in the past few years, the groundwater level near the mine had started to rise, causing the water to back up and drain through interconnected groundwater channels. The EPA team was working to contain the seepage between Gold King and another mine when the accident occurred.

The report praised the crew at the mine site for responding quickly in the 3-4 minutes before the initial spurt of water from behind the rock face became a torrent — possibly saving lives in the process. But the crew lacked an emergency plan for that possibility, it found. And because the water pressure in the mine entrance was higher than expected, "the precautions that were part of the work plan turned out to be insufficient."

"The inability to obtain an actual measurement of the mine water pressure behind the entrance blockage seems to be a primary issue at this particular site," the report states. "If the pressure information was obtained, other steps could have been considered. However, the Team cannot determine whether any such steps would have been effective, or could have been implemented prior to a blowout."

Water is still pouring out of the mine, but it's being diverted into a series of ponds, Meiburg said. It's being treated there to reduce its acidity and allow heavy metals to settle.

**From:** Bressler, Lindsey
**Sent:** Wednesday, August 26, 2015 3:52 PM
**Subject:** RE: CO Mine Spill Clips - 8/26

**The Hill**

http://thehill.com/policy/energy-environment/252020-epa-says-it-underestimated-mine-waste-blowout-risk

**EPA says it underestimated mine waste blowout risk**

By Timothy Cama

08/26/15 02:46 PM EDT

Workers with the Environmental Protection Agency (EPA) underestimated the risks of the mine waste spill this month in Colorado, the agency said.

The Wednesday report is the first extensive analysis of how the EPA allowed 3 million gallons of poisonous mine waste sludge with heavy metals to flow into a tributary of the Animas River near Silverton, turning it bright orange and closing it for more than a week.

The EPA and Colorado's mining agency knew there was likely some fluid behind the backfill that it was exploring.

But the agencies' extensive analyses found that the water pressure was low, so they did not take the necessary precautions or preparations for a high-pressure blowout.

"Despite the available information suggesting low water pressure behind the debris at the adit entrance, there was, in fact, sufficiently high pressure to cause the blowout," the internal report states.

"Because the pressure of the water in the Adit was higher than anticipated, the precautions that were part of the work plan turned out to be insufficient."

But it is unclear if additional steps could have prevented the blowout and its effects.

The investigation team concluded that the underestimation of pressure "is believed to be the most significant factor relating to the blowout."

It also concluded that the high-pressure blowout was "likely inevitable."

Investigators identified one test that could have determined the true pressure behind the backfill: drilling a hole from above the mine in a spot further back from the entrance.

But since every indication showed that there was no risk of the higher pressure, the agencies had no reason to conduct such an expensive, difficult task.

The EPA has taken full responsibility for the spill at the abandoned Gold King Mine.

The internal probe released Wednesday is only the first investigation of the incident. The EPA's Inspector General and the Bureau of Reclamation are conducting their own probes, as is the House Science Committee, among others on Capitol Hill.

The day before releasing the report, Science Committee Chairman Lamar Smith (R-Tenn.) said the EPA has been derelict in its responsibilities to be transparent in its response to the spill.

Smith said the EPA had not provided his committee with the documents it requested in the timeframe it had set.

**Wall Street Journal**

http://www.wsj.com/articles/epa-says-it-underestimated-water-buildup-in-colorado-mine-that-led-to-spill-1440614181

**EPA Says It Underestimated Water Buildup in Colorado Mine That Led to Spill**

Review says agency team erred in assessment of water pressure in Gold King Mine

By DAN FROSCH

Aug. 26, 2015 2:36 p.m. ET

DENVER—The Environmental Protection Agency said Wednesday it had underestimated the amount of water built up in an abandoned Colorado mine, a miscalculation that led to a massive release of toxic sludge into the Animas River earlier this month.

In its initial review of the spill, the EPA said a specialized EPA team had erred in its assessment of water pressure in the Gold King Mine near Silverton, Colo., despite being familiar with the area's topography and having analyzed water-flow data.

An estimated three million gallons of toxic water inside the mine burst out on Aug. 5, turning the river a yellowish-orange and tainting water supplies used by numerous downstream interests, including farmers and the Navajo Nation, for days.

"There was in fact high enough water pressure to cause a blowout," said Stan Meiburg, acting deputy administrator for the EPA, noting that the misjudgment was the most significant cause of the spill.

Mr. Meiburg also noted that provisions for a "worst-case scenario" weren't incorporated into the agency's plan to deal with the mine, which had long been the subject of state and federal cleanup efforts.

The initial EPA report also concluded that a spill from the unstable mine was inevitable, pointing out that a prior work plan on cleaning up the mine had raised the prospect of a blowout. The agency's report said drilling into the mine, while difficult because of Southwest Colorado's rugged terrain, could have more accurately identified the high water levels that caused the spill.

Both the EPA's inspector general and the Interior Department have launched investigations into the accident.

Environmental officials have said the water quality in the Animas River has since returned to pre-

spill levels.

**Washington Examiner**

http://www.washingtonexaminer.com/epa-underestimated-warnings-about-toxic-blowout-at-mine-report/article/2570868

**EPA underestimated warnings about toxic blowout at mine: Report**

By JOHN SICILIANO

8/26/15 2:45 PM

The Environmental Protection Agency did not take the steps necessary to avoid the risk of a "blowout," even though it was warned, when it inspected a Colorado mine earlier this month that resulted in a massive toxic spill that contaminated the waterways of three states.

The EPA released an internal report Wednesday that said the agency was warned about the abandoned gold mine's historic instability and potential for a blowout. But in assessing the risk at the site itself, the agency found no reason to check if the pressure levels existed to cause the Aug. 5 spill of three million gallons of contaminated wastewater.

"We want to get to the bottom of what happened to ensure that it doesn't happen again," EPA Deputy Administrator Stan Meiburg said on a call with reporters. He emphasized that the recommendations made in the report will go into effect immediately, and its findings will add to investigations underway by the agency's inspector general and the Department of Interior.

Documents released over the weekend by the agency showed that an EPA contractor warned the agency of a very real threat of a massive blowout because of the mine's instability.

But EPA officials on the call said a team of contractors and EPA officials who were inspecting the site on the day it burst concluded that pressure levels were likely not high enough to cause a massive blowout.

The officials said the mine team did not find it necessary to employ a common drilling method used to check the pressure of mines to verify what they observed to be a low-pressure mine. What followed was a huge blowout that sent a yellow plume of toxic metals into the Animas River and into the waterways of New Mexico and Utah.

Reporters on the call asked repeatedly if EPA officials can reconcile being warned of a blowout and then not taking the steps necessary to check if conditions were ripe for one.

EPA Assistant Administrator Mathy Stanislaus said a "work plan" for the mine determined blowout conditions, but once contractors and EPA got on the ground they found low pressurization. There were "no seeps" coming from the top of the mine, which usually indicates higher pressure. Stanislaus also said the contractors observed that "the mine was draining," indicating low pressure. And at a lower mine they found no evidence of pressurization.

Stanislaus also said there were "real difficulties in determining the pressures before the blowout occurred," and it is "unknown" if using a drilling technique to test for high pressure would have helped.

"Despite the available information suggesting low water pressure behind the debris at the [entrance of the mine], there was, in fact, sufficiently high pressure to cause the blowout," the report says.

"Because the pressure of the water in the [entrance] was higher than anticipated, the precautions that were part of the work plan turned out to be insufficient," it reads. The inability of the team to take additional pressure readings behind the shallow opening of the mine "seems to be a primary issue at this particular site."

"If the pressure information was obtained, other steps could have been considered" to prevent the

blowout. But the report tries to avoid saying if any measures could have prevented the blowout.

The "team cannot determine whether any such steps would have been effective, or could have been implemented prior to a blowout," it says.

**From:** Bressler, Lindsey
**Sent:** Wednesday, August 26, 2015 2:39 PM
**Subject:** RE: CO Mine Spill Clips - 8/26

**Associated Press (via The Guardian)**

http://www.theguardian.com/us-news/2015/aug/26/animas-river-mine-spill-colorado-blowout-potential-underestimated

**Animas river spill: EPA underestimated blowout potential of mine, inquiry finds**

An internal investigation reveals regulators had wrongly assessed the water pressure built up inside the Gold King mine before releasing toxic wastewater

Associated Press in Billings, Montana

Wednesday 26 August 2015 13.56 EDT

An internal government investigation has found that federal and state regulators underestimated the potential for a blowout from a Colorado mine, documents released Wednesday show.

Investigators concluded the federal Environmental Protection Agency and state regulators underestimated how much water pressure had built up inside the inactive mine before a government cleanup crew triggered the release, according to the documents released by the EPA.

The agency previously offered only impartial information on events leading to the spill.

The 5 August spill involved 3m gallons of waste from the idled Gold King mine near Silverton, Colorado, unleashing a torrent of toxic water that fouled rivers in three states.

The Associated Press reported Saturday that EPA managers knew a large spill was a possibility yet had drafted only a cursory response plan for responding to a spill.

Elected officials have been critical of the EPA's response. Among the unanswered questions is why it took the agency nearly a day to inform downstream communities that rely on the rivers for drinking water. The agency's internal investigation did not address that issue.

The wastewater flowed into a tributary of the Animas and San Juan rivers, turning them a sickly yellow-orange color and tainting them with lead, arsenic, thallium and other heavy metals that can cause health problems and harm aquatic life.

The toxic plume traveled roughly 300 miles through Colorado, New Mexico and Utah, to Lake Powell on the Arizona-Utah border.

EPA water testing has shown contamination levels returning to pre-spill levels, though experts warn some of the contaminants likely sunk and mixed with bottom sediments and could someday be stirred back up.

Toxic water continues to flow out of the mine. Since the accident, the EPA has built a series of ponds so contaminated sediments can settle out before the water enters a nearby creek.

The agency said more needs to be done and the potential remains for another blowout.

Separate investigations into the accident are being conducted by the EPA's inspector general's office and the US Department of Interior.

**Denver Post (CO)**

http://www.denverpost.com/news/ci_28705984/epa-underestimated-water-pressure-led-colorado-mine-spill

**EPA: Underestimated water pressure led to Colorado mine spill**

Agency says Gold King Mine adit was apparently not checked for water volume

By Jesse Paul

The Denver Post

POSTED: 08/26/2015 10:59:02 AM MDT

The most significant factor leading to the massive Gold King Mine contaminant spill above Silverton this month was an underestimation of water pressure built up in its workings, according to an Environmental Protection Agency internal review released Wednesday.

Further, had crews drilled a hole into the mine's collapsed opening, they "may have been able to discover the pressurized conditions that turned out to cause the blowout."

"It is not evident that the potential volume of water stored within the (mine's opening) had been estimated," the review said. "Given the maps and information known about this mine, a worst-case scenario estimate could have been calculated and used for planning purposes."

The EPA triggered the 3 million-gallon wastewater release on Aug. 5. The spill send yellow-orange sludge cascading through three states and American Indian tribes, leading to emergency declarations and widespread worry.

According to the review, crews at the scene leading up to the release believed since water was leaking from the mine, a buildup of pressure behind its blocked opening was "less likely." Further, the review says, crews thought seep levels above the mine's opening indicated it was only partially filled and not pressurized.

"The mine was draining, which indicated the buildup of pressure was not likely," Mathy Stanislaus, EPA assistant administrator in the office of solid waste and emergency response, said Wednesday.

The inability to obtain an actual measurement of the mine water pressure behind the mine's blocked issue "seems to be a primary issue," according to the review. It went on to say if the pressure information was obtained, other steps could have been considered.

"Despite the available information suggesting low water pressure behind the debris at the adit entrance, there was, in fact, sufficiently high pressure to cause the blowout," the review says. "Because the pressure of the water in the adit was higher than anticipated, the precautions that were part of the work plan turned out to be insufficient."

The report says contaminated water flowed from the mine at a peak rate that lasted roughly an hour.

The review, summarized in an 11-page report, includes a list of recommendations for further EPA mine work throughout the country.

The review was led by five EPA personnel from multiple EPA regions and headquarters, the

agency says, and those involved were tasked with developing a detailed, chronological description of events as well as identifying potential factors contributing to the release.

Officials plan to discuss the findings in an 11 a.m. media call.

The Department of the Interior is conducting an external review of the spill, and it is expected to be released in October. The Congressional Science, Space, and Technology Committee is also investigating the spill.

"EPA will implement all the recommendations from the report and has shared its findings with external reviewers," the agency said in a news release.

This is a developing story that will be updated as more information becomes available.

**Denver Post (CO)**

http://www.denverpost.com/news/ci_28705642/congressman-lambastes-epa-not-providing-colorado-mine-spill

**Congressman lambastes EPA for not providing Colorado mine spill documents**

Congressman Lamar Smith wants EPA chief Gina McCarthy to testify on Gold King spill

By Jesse Paul

POSTED: 08/26/2015 09:01:09 AM MDT

The Texas representative who chairs the Congressional Science, Space, and Technology Committee lambasted the Environmental Protection Agency's chief Tuesday for failing to hastily release documents linked to the Gold King Mine spill.

U.S. Rep. Lamar Smith, R-Texas, said the committee had requested the documents by Monday and called it "disappointing, but not surprising" that they were not submitted.

"These documents are essential to the Committee's ongoing investigation and our upcoming hearing on September 9," Smith said in a statement. "But more importantly, this information matters to the many Americans directly affected in western states, who are still waiting for answers from the EPA."

The EPA spilled 3 million gallons of contaminants from the Gold King when it blew out above Silverton on Aug. 5. The release spent yellow-orange sludge cascading through three states and Native American tribes leaving economic impacts in its aftermath.

Smith's office said the EPA was "failing to comply with (a) Congressional investigation" by not submitting the papers.

"EPA takes it commitment to transparency seriously," Melissa Harrison, EPA's press secretary, said in a statement to The Denver Post. "Since the Gold King Mine incident, EPA has been inundated with requests for documents related to the response. EPA has posted a large number of documents on our response website, many of which are responsive to the committee's request."

Harrison said the EPA is continuing to identify additional documents responsive to the request and will provide them to the Science, Space, and Technology Committee as soon as they are available.

Smith requested the documents in an Aug. 10 letter to EPA chief Gina McCarthy. His office said that while the EPA has publicly released some documents sought by the Committee, it has failed to turn over the majority.

The Science, Space, and Technology Committee has asked McCarthy and the president of EPA's contractor who was working at the Gold King, Environmental Restoration LLC, to testify at a Sept. 9 hearing.

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150826/NEWS01/150829724/-1/taxonomy/%E2%80%98Insufficient%E2%80%99-planning-determined-in-Animas-spill-

**'Insufficient' planning determined in Animas spill**

EPA releases internal investigation following disaster

By Peter Marcus Herald staff writer

Article Last Updated: Wednesday, August 26, 2015 12:04pm

DENVER – An internal investigation by the Environmental Protection Agency into the Animas River spill highlights an "insufficient" analysis of water pressure that could have been prevented through drilling techniques.

EPA officials released the report on Wednesday, despite the Aug. 24 date of the report.

Even though a work plan related to reclamation work at the Gold King Mine stated "conditions may exist that could result in a blow out," an EPA-contracted team failed to properly calculate the blockage of water pressure. As a result, an estimated 3 million gallons of wastewater from previous mining activities poured into the Animas on Aug. 5, turning the river a mustard-yellow color and closing it to drinking water supplies and recreational use.

"Mine water pressurization data from behind the blockage potentially could have been obtained through a drill hole inserted further back into the Adit from above the mine tunnel," the report states, pointing out that the drilling would have been costly but valuable. "This procedure may have been able to discover the pressurized conditions that turned out to cause the blowout.

"Because the pressure of the water in the Adit was higher than anticipated, the precautions that were part of the work plan turned out to be insufficient," the report continues.

The one-week EPA internal investigation included site visits, interviews and a review of documents related to the project and spill. A separate independent investigation is underway by the Interior Department, who asked the Bureau of Reclamation to lead the query.

The internal report released Wednesday highlights that the team included only "limited emergency procedures in case of a mine blowout."

"This lack of information about a blowout in the (Emergency Action Plan) could indicate the low expectation of its occurrence by the contractor and reviewers," the report states.

"It was lacking emergency protocols in the case of a significant flow or blow out," the investigation continues.

One bright spot, however, is that the site team responded appropriately during and after the blowout by moving personnel and equipment and diverting mine water discharge, which "probably avoided any fatalities from the pressurized Adit blowout."

**From:** Bressler, Lindsey
**Sent:** Wednesday, August 26, 2015 11:04 AM
**Subject:** RE: CO Mine Spill Clips - 8/26

**Arizona Capitol Times (AZ)**

http://azcapitoltimes.com/news/2015/08/26/groups-to-feds-tighten-mining-rules-in-light-of-animas-river-spill/

**Groups to feds: Tighten mining rules in light of Animas River spill**

By: Tyler Scholes

August 26, 2015 , 7:36 am

PHOENIX – Citing the release of millions of gallons of toxic wastewater into a southwestern Colorado river earlier this month, a coalition of conservation groups, two Arizona Native American tribes and two county governments petitioned federal agencies Tuesday to tighten mining regulation on public lands.

The groups, led by the Grand Canyon Trust, pointed to dangers from so-called zombie mines, those that reopen after not operating for long periods. The petition said regulations governing mining, particularly for uranium, fail to prevent water pollution, soil contamination, harm to sensitive species and more.

"Five million people visit the Grand Canyon every year. What if the water had arsenic or uranium in it?" said Kevin Dahl, Arizona program manager for the National Parks Conservation Association. "Every visitor would have to bring in his own water. We would have to close up the park. Can you imagine closing one of our national landmarks due to toxic waste?"

The petition, addressed to the directors of the Department of the Interior, Department of Agriculture, U.S. Bureau of Land Management and U.S. Forest Service, seeks regulatory changes to:

• limit approved plans for mining to 20 years, with the option to renew for 20 years;

• require regular inspections by the BLM and Forest Service;

• require supplemental environmental reviews and new approvals to resume mining at sites that have been out of operation for at least 10 years.

• and add deadlines for launching and completing reclamation at inactive or closed mines.

Anne Mariah Tapp, energy program director for the Grand Canyon Trust, said mining companies should cover the cost of the changes.

"These are companies that make large amounts of money off of what is essentially a public resource," she said. "These are lands owned by the American people, so any costs related to these new and important regulations will go to the companies making the profit."

Three million gallons of wastewater containing zinc, copper, iron and other heavy metals spilled Aug. 5 into the Animas River from the Gold King Mine near Durango, Colorado. The Environmental Protection Agency was inspecting the mine at the time.

The Animas flows into a river that drains into the Colorado River at Lake Powell.

Emily Beyer, a spokeswoman for the Interior Department, which includes the BLM, said in an email that the agency is aware of the petition. While not commenting on it, she directed a reporter to a news release announcing that the Bureau of Reclamation will lead the department's investigation of the Gold King Mine spill.

A spokeswoman for the U.S. Forest Service, which is part of the Agriculture Department, didn't respond to an email and phone call seeking comment.

The petition includes letters from the Coconino County Board of Supervisors as well as the Board of Commissioners in Colorado's San Miguel County. The Havasupai and Hualapai tribes, whose reservations include parts of the Grand Canyon, offered letters supporting the petition.

Sandy Bahr, director of the Sierra Club's Grand Canyon Chapter, said testing technology has improved to the point that uranium mining sites deemed safe decades ago could be dangerously radioactive.

"That's why we call them zombie mines," she said. "You think they're gone because they haven't seen any activity in 20 years, then they come back more dangerous than ever."

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**The Guardian**

http://www.theguardian.com/environment/2015/aug/26/gold-king-mine-spill-navajo-nation-farmers-animas-river-water

# Gold King mine spill: Navajo Nation farmers prohibit Animas river access

Tribe's crops suffer during search for alternative water sources despite EPA's insistence that Animas and

San Juan rivers in New Mexico are in pre-spill state

Navajo Nation farmers explain how the Gold King mine spill has affected their lives.

Tafline Laylin

Wednesday 26 August 2015 10.04 EDT

Despite watching their sustenance wilt in the summer sun, Navajo Nation tribe farmers near Shiprock, New Mexico, have opted not to reinstate access to river water after a spill at Gold King mine released toxins earlier this month.

The water would have revived subsistence agriculture and livestock operations endangered by chronic water shortages since the spill.

Earlier this month, the US Environmental Protection Agency accidentally released 3m gallons of poisonous waste from Colorado's Gold King mine into the river's largest tributary, the Animas river.

Navajo Nation president Russell Begaye met farmers at the Shiprock chapter to announce plans to reopen irrigation canals on Saturday. Instead, the farmers overruled Begaye and voted 104-0, with nine abstaining, to maintain existing closures for a year.

This decision was made despite assurances from both the US EPA and the Navajo Nation EPA that water quality in the Animas and San Juan rivers has returned to pre-spill levels.

"I'm glad the water samples indicate the water is safe for irrigation use, but I remain concerned over the soil and sediment that lines our river bank," President Begaye said in a prepared statement. "Every time a heavy storm hits or the soil is disturbed, it can recontaminate the water."

"There is a lot of concern that farmers have over the US EPA and their testing methods," Megan Cox, a spokesperson from the Navajo president's office, told the Guardian.

"Please understand this is very stressful for them, and this is their livelihood. They also recognize that people will be concerned about purchasing an agricultural product that has been tainted with unknown quantities of chemicals," she added. "They are growing organic crops and do not want to harm the land, their crops or any individuals by exposure to these chemicals."

Joe Ben Jr, Shiprock's farm board representative, said: "No testing has been done on the Navajo reservation. And the tests were not disclosed; which metals were present? If we knew, we could make a decision."

On Friday 14 August, Ben Jr rejected water delivered by EPA contractors because it appeared to be contaminated with byproducts of the fracking industry, exacerbating the tribe's suspicion of the federal agency.

"The water had a pungent smell," said Franklin Miller, who reports to Ben Jr. "We basically told the EPA their services are no longer needed. Now the BIA is contracting other water hauling companies and their tanks are clean."

With the EPA no longer in the picture, farmers in Shiprock are battling to secure water for their

crops and livestock.

A woman at the Shiprock chapter who identified herself as a record clerk named Christina said people are standing in line to fill up 50- and 100-gallon jugs from the central water tanker.

"Many of the farmers have big fields, some as large as 19 acres," she said. "They're doing their best to keep what they can. They have horses, cows, llamas and goats. And sheep – our main source of meat."

"We have seen people crying. Some people come and they don't have jugs to haul water."

Ben Jr said on Monday that Shiprock is getting one 1,600-gallon tank a day from the NAPI irrigation system and that this water has to be shared among 10,000 people in the community.

Miller said his main job right now is to organize water hauls to farmers who can't haul water.

If Shiprock doesn't have access to the San Juan river, other communities are also affected, Miller said. He said area farmers supply food, particularly corn, to the south-west part of the reservation, to places like Kayenta and Tuba City.

"Corn is very important to us. We eat every part of the corn. Corn pollen is especially important because we use it in our ceremonies."

Miller says they're not getting any help from outside the reservation. "We are relying on other chapters, donations and we're going to be fundraising and holding benefit concerts," he said.

There is uncertainty within the Navajo community about who has the authority to declare a state of emergency, according to Ben Jr, who has been attending meetings with farmers and other

chapters.

There are seven chapters along the San Juan river.

"The president's office, the council and the resource development community are at odds," he said. "There is confusion from up above, which is causing confusion in the community. But we are making our stand.

"That water is not going on until we can find an alternative source."

Securing an alternative water source is the only solution for Ben Jr, who said farmers are concerned about contaminating canals with tainted river water. He said the river has to be cleaned up first.

"It has to happen naturally," said Ben Jr. "It's about a one- to two-year cycle. The monsoons will come and clean the river."

Jim Self, the director of the Soil, Water and Plant testing lab at Colorado State University has been handling water samples taken from the Animas river, closer to the source of the original contamination.

He says if the Navajo farmers are growing organic crops, their concerns could be valid and recommended they wash any vegetables irrigated with water from the San Juan river.

But he added that by now, any harmful contaminants would have been flushed out.

"Flow going through the river at this time has been high because of late snow melt so things are getting flushed out pretty quickly. It's going to go back to its pre-spill state and should correct

itself by springtime," he said.

Contaminants released into the river include arsenic, chromium, cadmium, lead and perhaps mercury, according to Self.

Melissa May, a natural resource specialist with the San Juan Soil and Water Conservation District, dismissed concerns that future flooding or torrential storms will stir up harmful sediments.

Although she admits nobody can predict the spill's long-term consequences, she said if water quality at the most concentrated part of the plume has been ruled safe, people further downstream should be "absolutely fine".

"When water is very acidic, metals can be dissolved," said May. "When they're not dissolved, it's a solid, it's a particle. Health standards are based on dissolved metals, and as far as I know the water quality data at the most concentrated part of the plume was within acceptable levels."

Ben Jr is not appeased.

"We have a relationship with farming. It's an art form. To live in our community is to sustain the continuation of a culture. This is very different than outside the reservation," he said.

"We are a 100% consumption culture. We consume every aspect of our crops and our livestock and we sell our beef."

"We want to ensure a clean water source for generations to come."

**KNAU Radio (AZ)**

http://knau.org/post/page-economy-feels-impact-gold-king-mine-spill#stream/0

**Page Economy Feels Impact of Gold King Mine Spill**

By RYAN HEINSIUS

9:00 AM EST 8/26/15

Earlier this week, Navajo farmers in New Mexico voted to keep irrigation canals along the San Juan River closed for at least a year. They have concerns about soil contamination following the Gold King Mine spill in Colorado. Meanwhile, officials in Page are worried about the incident causing a drain on the local economy, even though scientists say Lake Powell remains mostly unaffected. Arizona Public Radio's Ryan Heinsius reports.

[Listen online]

The 3-million-gallon spill earlier this month came at the height of the tourist season on Lake Powell. Fishing and kayak guiding are among the many local businesses that are dependent on the lake.

Judy Franz, executive director of the Page Chamber of Commerce, says there was an undeniable slowdown in the days following the spill.

"People are concerned, so they held off their trips for maybe a couple weeks to see, is it going to come in, is the plume going to come in? I think you had a lot of real fear as to, how is it going to impact?" says Franz.

She says tourists are gradually returning to Page and Lake Powell, but many locals are still concerned about the long-term effects of the spill.

Officials with the Arizona Department of Environmental Quality say the heavy metals from the mine waste have likely diffused and settled into the lakebed. The U.S. Environmental Protection Agency says tests show Lake Powell's water is safe for recreation.

**Mountain-Ear Online (CO)**

http://themtnear.com/2015/08/gilpin-county-news-on-mine-remediation/

**GILPIN COUNTY NEWS : ON MINE REMEDIATION**

BARBARA HARDT · AUG 26TH, 2015

Roger Baker, Gilpin County Manager. A couple of very sad news reports in the last few weeks illustrate how difficult the mixed-use legacy of our Colorado mountains can be, and how well the Gilpin County Commissioners have tried (despite having very limited powers in most of these areas) to cope with these difficulties.

The death on July 3 of a sixty-year-old man in the Pike National Forest from an accidental gunshot brought to light the problem of lightly regulated shooting in our national forests.

Certainly that has been an issue in Gilpin County, too, though we've been spared that kind of tragedy.

The Commissioners have teamed with their colleagues in Larimer, Boulder, and Clear Creek counties to work with the Forest Service (and Bureau of Land Management, Colorado Parks and Wildlife, and other landowners) to try to identify sites that could be used for a shooting range.

The hope, of course, is that if enough convenient shooting ranges are opened in or near the Front Range, the Forest Service can close large sections of the Arapahoe/Roosevelt National Forest to "dispersed" shooting.

That's not a universally popular idea on its face, however, and it will become even less popular (at least with some) as the group focuses in on specific sites.

In response to the concerns of many, the Forest Services has extended the "scoping" comment period for the plan—which identifies goals and objectives, as well as suitable and unsuitable sites—to September 3. There will be three open houses for the public to weigh in on the plan, and two are in our neck of the woods: Monday, August 31, from 5 to 7 p.m. at the Community Center in Nederland; and Tuesday, September 1, at the Clear Creek Middle School on Highway 103 in Idaho Springs (same hours).

More recently, Coloradans were horrified to see the pictures of the Animas River near Durango turned orange by a mine water blowout from the Gold King mine near Silverton, a discharge ironically caused by contractors working with the US Environmental Protection Agency (EPA).

The EPA was already in some disrepute in certain circles, criticized from the right for overreach and the left for inaction in dealing with climate change and other hugely complicated issues, and this won't add to the agency's reputation for competence.

Still, staff in Gilpin County has worked with the EPA, Colorado Department of Public Health and Environment (CDPHE) and other agencies on a number of projects to minimize the harmful discharges from some of the old mines and millsites in Gilpin County.

The agencies just completed a large mitigation project in Russell Gulch, on the old Pittsburgh mine, and of course everyone coming into Central City on the parkway has seen the work done on the old tailings pile above the Big-T parking lot.

Now the County (and the two cities) are working with EPA and CDPHE to construct a water treatment plant below Black Hawk solely for the purpose of treating contaminated mine water

that continues to flow into North Clear Creek. It's tricky, because it calls for a level of water to be maintained in the creek that will be hard to sustain if the various jurisdictions use the water rights they already have.

While we have had blowouts like the one down south, they have been much smaller in scale; but just as the news reports are now focusing on the ongoing problems down there (540 gallons of acid drainage per MINUTE flowing into the headwaters of the Animas), they help call attention to the ongoing mine remediation problems in all of Colorado's historic mining counties.

And there's nowhere more historic than Gilpin County…

**From:** Bressler, Lindsey
**Sent:** Wednesday, August 26, 2015 9:49 AM
**Subject:** RE: CO Mine Spill Clips - 8/26

**Arizona Daily Sun (AZ)**

http://azdailysun.com/news/local/local-governments-nonprofits-urge-mining-regulation-reforms/article_f7e4187c-3c3c-5fe1-8e80-509b5aa2fbd3.html

**Local governments, nonprofits urge mining regulation reforms**

8/26/15

2 hours ago

It's been only three weeks since 3 million gallons of wastewater the color of Tang gushed out of an abandoned gold mine in Colorado.

But that's been plenty of time for a coalition of local government agencies and nonprofits to

draft and submit a petition demanding reform of mine regulations.

"There is a realization this is inevitable, this was going to happen, and given the importance of the Colorado Plateau's water resources, there has to be a solution that addresses the problem," said Anne Mariah Tapp, energy program director for the Grand Canyon Trust, calling such mines a "ticking time bomb."

The coalition, including Coconino County and area tribes, submitted the petition Tuesday to the Bureau of Land Management and the U.S. Forest Service.

Changes are needed to the agencies' outdated mining rules to protect the West's water resources from future environmental disasters like the Gold King Mine spill, the Flagstaff-based Trust said in a press release.

DIFFERENT TACK

The petition attempts to take a different tack to mining regulation reform than previous efforts that have focused on changing the General Mining Law of 1872, which governs hardrock mining nationwide.

The petition was filed under the Administrative Procedures Act, which allows for the public to request changes to a federal rule, and requires the agency to respond. The petition requests that the BLM and the Forest Service revise their existing rules by:

Limiting the duration of a mine's permit to 20 years.

Requiring that mines receive new federal approvals and updated environmental and historic resource reviews after more than 10 years of inactivity.

Making regular inspections during periods of mine inactivity and requiring operators to regularly provide information about the status and conditions of their mines during that period.

Improving the reclamation process for closed or abandoned mines by requiring long-term monitoring of surface water and groundwater quality and imposing deadlines for completing reclamation activities

It also recommends that the agencies make the changes retroactive.

## FOCUS ON URANIUM

Though the rule changes would affect all hardrock mining, the Trust's petition focuses on uranium mining on the Colorado Plateau and the environmental problems posed by "zombie mines." The term describes mines that reopen after long periods of inactivity without being forced to undergo supplemental environmental review or comply with updated regulations.

Those mines in particular are "polluting surface waters and groundwater, contaminating soil, adversely impacting sensitive species and their habitat, risking harm to sensitive cultural and historic resources, and imperiling human health," the petition said. Simple rule changes could avoid these impacts in the future, it said.

Coconino County is especially sensitive to the contamination legacy of old uranium mines, said Coconino County Supervisor Art Babbott, who was one of four of the county's supervisors to sign a letter supporting the petition. A fifth, Supervisor Mandy Metzger, wrote a separate letter supporting a discussion of the petition's requests.

"Gold King is just another in a long list of impactful events that highlight how completely and totally ineffective the provisions of the 1872 Mining Act are to today's reality," Babbott said. "If changes aren't made we should expect the same results we have been getting for decades."

## NO CONGRESSIONAL ACTION

Reforming BLM and Forest Service mining regulations could be a step in the right direction in the face of several unsuccessful attempts at reforming the 1872 Mining Law over previous decades, Bonnie Gestring, Northwest program director at the environmental nonprofit

Earthworks, wrote in an email.

There have been many past efforts to reform the law, most recently in a 2009 bill introduced by New Mexico Senator Jeff Bingaman, which died in committee, Gestring said.

Earthworks, which backed the Trust's petition, is also throwing its support behind the Hardrock Mining Reform and Reclamation Act of 2015, a bill introduced by Arizona Rep. Raul Grijalva to reform the old mining law. The bill would make changes in areas where the Trust's proposed rule changes fall short, such as imposing royalties and reclamation fees on operators to create a source of funding for the cleanup of inactive and abandoned mines, Gestring said.

AGENCIES AGREE

Roger Clark, director of the Trust's Grand Canyon program, pointed out that the petition's suggestions overlap with what federal land management agencies, including the Bureau of Land Management and the U.S. Forest Service, defined in 2013 as best management practices for uranium mining around the Grand Canyon.

The petition also has the backing of the Havasupai Tribe, the Hualapai Tribe, the Zuni Tribe, as well as San Miguel County in Colorado.

In their resolutions of support both the Hualapai and Havasupai tribes mentioned decades of efforts to protect their homelands from uranium mining. The gap in regulations that allows mine sites to be abandoned without reclamation needs to be fixed by both the Forest Service and the BLM so that there is "cradle-to-grave protections for the people, the wildlife, the land, and the water around these zombie mines," the tribes wrote in their resolutions.

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**Arizona Journal (AZ)**

http://www.azjournal.com/2015/08/25/gold-king-mine-spill-has-not-adversely-affected-our-

waters/

**Gold King Mine Spill Has Not Adversely Affected Our Waters**

Aug 25, 2015

The Gold King Mine spill that occurred Aug. 5 near Silverton, Colo., has not adversely affected Arizona waters. The waste water spill reportedly occurred when workers from the U.S. Environmental Protection Agency and Environmental Restoration, LLC, a Missouri-based company under contract with EPA to mitigate pollutants from the mine, were trying to add a tap to the mine's tailing pond.

Arizona Department of Environmental Quality (ADEQ) officials said Monday that they have examined data provided by states upstream of Lake Powell and closer to the Gold King Mine spill. ADEQ's analysis of data provided by the Utah Department of Environmental Quality of samples collected about 100 miles from Lake Powell (closest Utah sample) showed that water quality conditions in the San Juan River upstream of Lake Powell were generally consistent with pre-spill conditions.

"Based on what we're seeing with the water flowing into Lake Powell, we don't expect there to be noticeable change in water quality in Arizona," ADEQ Director Misael Cabrera said.

"To put this spill into perspective, the three million gallon estimated volume of the spill represents a miniscule fraction of a percent (0.000071 percent) of the total volume of water in Lake Powell (more than four trillion gallons as of July 29)," Cabrera said, adding that ADEQ does not expect this spill to have short or long-term negative impacts to Lake Powell and the downstream Colorado River.

ADEQ has been and will continue coordinating with public health and environmental agencies in Arizona, Colorado, New Mexico and Utah, as well as with EPA and Navajo Nation officials, to gather, analyze and share water quality data with each other and the public as it becomes available. Beginning Aug. 14, these officials began lifting water use restrictions for the Animas

and San Juan rivers, because water quality conditions were returning to pre-spill conditions.

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**Colorado Springs Gazette (CO) and Denver Post**

http://gazette.com/guest-column-improve-notice-procedures-in-times-of-emergency/article/1558116

http://www.denverpost.com/opinion/ci_28699995/guest-commentary-finding-orange-lining-gold-king-mine

**GUEST COLUMN: Improve notice procedures in times of emergency**

By Colleen Coyle

Published: August 26, 2015

Unless you live on a mountaintop, we all live downstream. And we all need timely notice of dangerous spills and emergencies.

The Aug. 5 release of approximately 3 million gallons of orange mine waste into a tributary of the Animas River has triggered a variety of calls for action, including expanded efforts to clean up mine waste, condemnation of old mining practices and criticism of the Environmental Protection Agency. The more vocal criticism centered on the EPA's response time and methods to notify local and state officials, as well as downstream water users particularly in New Mexico. The New Mexico governor reported that she received notice from the Southern Ute Tribe, not the federal agency in charge. Other officials stated that they received their notice in the newspaper. Although Colorado irrigators received notice in time to close headgates, New Mexico water users reported that they didn't receive notice for 24 hours. Tribes, irrigators, municipalities, and recreationists have all complained in the media about delays in notice.

The Department of Interior is investigating the matter on the Animas River and whether procedures were adequately followed or not will be determined, but regardless of that outcome,

this incident raises the question - how can notice procedures for water emergencies be improved?

Abandoned and active mines are scattered throughout the West, and this is not the first, nor last, occurrence of contamination from these sites. Some have the potential for vast damage to people and property, like the Berkeley Pit in the middle of Butte, Mont., which contains more than 43 billion gallons of heavily contaminated water. In 2000, the EPA reported that mining-related contamination is present in the headwaters of over 40 percent of Western watersheds and estimates there are at least 500,000 historical and modern abandoned mines in the U.S. Reclamation of those mines would cost at least $35 billion.

But that's not to say mine reclamation efforts don't have some shining examples to highlight. A few areas, like the Milltown Dam in the Clark Fork River in Montana, have successfully launched projects to remove contamination from rivers. Over a 10-year period, 3 million tons of contaminated materials were excavated, the river area was restored and redeveloped, and a dam was removed, all at a project cost of approximately $120 million and a subpart of the largest Superfund site in the western U.S. If the Animas River spill sparks discussions to designate Superfund sites or otherwise pursue cleanup of toxic areas, we might see more successful efforts like the Milltown Dam remediation. And that could be a good thing.

Crisis communications start with the same set of basic questions: Who are those impacted? Where are they? What are the best available technologies to reach them? Many states have public websites, or even social media tools, to identify and notify landowners and water right owners downstream, including irrigators and municipal water suppliers.

Yet, when it comes to water emergencies, agencies and industries often lack integrated, intuitive, map-based tools to give them a fast but complete picture before they provide water uses and landowners with essential information. Water emergency plans must include simultaneous notification to government officials, irrigators, municipalities, and other instream and diverted water users. Specific contact information, or tools to access the information quickly, should be included in the plans to the extent possible.

Given how many abandoned mines and other potential hazards exist across the West, the number of incidents is small, but the impacts of spills are huge and remain in the public's memory for a long time. Emergencies will always generate strong reactions and criticisms in the search for causes and solutions, but providing information to affected people quickly also allows everyone to make better decisions during the crisis. The good news is those tools are becoming more

readily available, and government officials, industrial operators, and water users can work to further improve notice procedures and find an "orange lining" in this environmental crisis.

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Colleen Coyle is an attorney with 20 years of experience in Western water law. She is director of water services with Ponderosa Advisors LLC. Learn more at WaterSage.com.

**Daily Mail**

http://www.dailymail.co.uk/news/article-3211229/EPA-hid-documents-Congress-Colorado-toxic-spill-turned-drinking-water-YELLOW-failed-warn-residents-killer-sludge-heading-way.html

**Probe into Colorado mining disaster that turned a river YELLOW is being blocked by EPA - which caused the toxic spill**

By DARREN BOYLE FOR MAILONLINE

PUBLISHED: 03:22 EST, 26 August 2015 | UPDATED: 07:27 EST, 26 August 2015

The Environmental Protection Agency has failed to brief a high-powered Congressional committee investigating a three-million-gallon toxic mine spill in Colorado that turned drinking water yellow.

Republican congressman Lamar Smith, chairman of the House Science, Space and Technology Committee, told Fox News: 'It is disappointing, but not surprising, that the EPA failed to meet our reasonable deadline in turning over documents pertaining to the Gold King Mine spill.

'These documents are essential to the Committee's ongoing investigation and our upcoming hearing on September 9.

'But more importantly, this information matters to the many Americans directly affected in western states, who are still waiting for answers from the EPA.'

The head of the EPA, Gina McCarthy, has so far refused to visit Silverton in San Juan County - the nearest town to the disaster site.

However, the town's board trustees have now voted to seek federal funding to help clean up the mine area to prevent further disasters. Heavy metals from the abandoned mines have been slowly leaching into the area's water supply for years.

Willy Tookey of the San Juan County Commission said: 'We recognise that this is a regional problem and that it starts in our neighborhood.'

The yellow sludge, from the abandoned Gold King Mine, was accidentally released into the Animas River by a team of EPA contractors on August 5.

They had been investigating the pollution and discovered a partial collapse at the entrance to the mine. When they cleared the rocks, the three million gallons of toxic water that had built up behind them escaped downstream.

The EPA did not release details of the spill, which has the potential to affect people in three states, for three days.

The toxic water poured into the Animas River in Colorado, then the San Juan River in New Mexico and got as far as Lake Powell on the Utah-Arizona border.

As a result, public drinking water systems were temporarily shut down and farmers from the Navajo Nation stopped using river water for irrigation.

But it has now emerged that the EPA knew of the potential of a major release of toxic sludge from the Gold King mine more than a year ago.

Newly released documents show that in June 2014, the EPA discovered the partial collapse of the Gold King mine and knew of the build-up of water inside the abandoned facility.

It said it could lead to a blowout and 'cause a release of large volumes of contaminated mine waters and sediment inside the mine, which contain concentrated heavy metals'.

The EPA said a special holding pond should be constructed at the mine, where toxic water would be stored, allowing the heavy metals to settle to the bottom.

However, despite being planned more than a year ago, the holding pond had not been constructed.

An investigation into the environmental disaster has discovered that the mine has not undergone any maintenance since 1991 and it is believed that there is still toxic sludge inside the facility. But EPA spokesman David Gray admitted, that while there was potential for another blowout, they had no idea how much water was left.

He said work was under way to remove other blockages within the mine to prevent future spills.

A series of sediment retention ponds has also been constructed about a quarter-mile downstream from Gold King Mine to reduce the amount of heavy metal and chemical contaminants from the mine reaching the region's main waterways.

The EPA had wanted Silverton to seek federal funding for the last 25 years after a steady stream of pollution from the Gold King mine and other abandoned 19th-century mines nearby.

Silverton officials had been reluctant to designate the area a federal Superfund site because they feared it would harm economic development in the area.

If it had secured Superfund status, the EPA would have been able to begin a comprehensive cleanup of the area.

There are around 400 abandoned mines in the Upper Animas River area. Tests on water quality in the region since 2005 show the presence of toxins, with reductions in fish numbers as far as 20 miles downstream.

The impact of the disaster has been felt as far downstream as Flagstaff, Arizona, with the Navajo Nation closing irrigation canals fed from the San Juan River.

The EPA claims that the water in Shiprock is safe, but tribal elders are more cautious.

Duane 'Chili' Yazzie of the Navajo nation said more than 100 farmers in the region voted on shutting off the canals, as they do not want to contaminate the soil for future generations.

He said: 'Our position is better safe than sorry.'

Tribal President Russell Begaye said: 'I am furious that the EPA has placed the Navajo Nation into this position. Our farms will not last much longer without water, and our resources are depleting.'

The Navajo want relief on the cost of transporting safe water by other means.

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150825/NEWS01/150829768/Coalition-calls-for-mining-reforms-after-Gold-King-Mine-spill

**Coalition calls for mining reforms after Gold King Mine spill**

Groups aim to prevent another catastrophe such as the Animas River fiasco

By Peter Marcus Herald staff writer

Article Last Updated: Tuesday, August 25, 2015 11:19pm

DENVER – A coalition of tribes, local governments and environmental groups Tuesday petitioned the federal government to change mining rules to prevent future contamination of drinking and recreational water supplies.

In a letter to the heads of the Interior and Agriculture departments, the groups point to the recent Gold King Mine spill, in which an Environmental Protection Agency-contracted team accidentally dumped an estimated 3 million gallons of mining wastewater into the Animas River on Aug. 5. Durango utilities officials were forced to stop pulling water from the river, and the La Plata County Sheriff's Office shut the river to recreational use.

Initial tests showed spikes in heavy metals, including lead, arsenic, cadmium and copper. The river has since been reopened after state, local and federal health officials showed the water and sediment tested does not appear to be toxic to humans.

The EPA team was focused on reclamation at the abandoned Gold King Mine near Silverton in San Juan County. But after breaching a retaining wall, dirty water rushed into the Animas, turning the river a surreal mustard-yellow color. Federal authorities are investigating the cause of the spill. In the meantime, concerns grow over thousands of other mines across the West that could end in disaster because of lingering mining sludge.

The group's 74-page petition asks the Bureau of Land Management and the U.S. Forest Service to change mining rules to limit the lifetime of a mine permit, impose reclamation deadlines and monitoring requirements, require consistent monitoring and limit the time a mine can remain inactive.

"We know that BLM and the Forest Service have too few resources for too many tasks," the petition states. "That is why, under our proposal, the burdens to apply for permit renewals and to provide better and more timely information regarding temporary closures and re-openings would fall primarily on operators."

Groups from Arizona, New Mexico and Colorado, such as San Miguel County commissioners, are involved in the petition effort.

A focus of the petition is on uranium mining. Environmental reviews for those mines date back more than three decades. Other abandoned mines operated under laws dating back to the 1870s, with few mandates on reclamation.

"As a county with hundreds of abandoned mines affecting two headwaters rivers of the Colorado Basin, we really place a high importance on sustainable uses of our public lands and protecting water," said Art Goodtimes, a San Miguel County commissioner, one of the signers of the petition. "The proposed rules will help ensure that existing and inactive mines are reclaimed in a timely manner, and the environment will be better protected than what happened with our San Juan County neighbors."

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150825/NEWS01/150829725/Superfund-splits-SilvertonBest-path-to-fund-mine-cleanups-contentious-as-ever

**Superfund splits Silverton**

By Chase Olivarius-Mcallister Herald staff writer

Article Last Updated: Tuesday, August 25, 2015 11:15pm

SILVERTON – The question of Superfund dominated the first meeting of the Animas River Stakeholders Group to take place since the Gold King Mine blowout, and the topic divided the hundred people from Silverton, Durango and even Denver who crowded into Silverton Town Hall on Tuesday night.

Peter Butler, co-coordinator of the group, acknowledged that the group has never formally endorsed or rejected Superfund because its own members – which include Silvertonians, environmentalists and representatives from mining companies, including Sunnyside Gold Corp. – disagreed about it.

Like Banquo's ghost in Shakespeare's Macbeth, though officials from the Environmental Protection Agency did not attend, throughout the hours-long Superfund discussion, the agency seemed omnipresent in the imagination of Silvertonians.

Many residents questioned whether Superfund – which would allow the agency to recoup costs of building and running a limestone water-treatment plant to treat the metals flowing out of the area's mines and into the Animas River from any "parties it deems responsible" – was the right mechanism. They said they hoped to get money straight from Congress.

Meanwhile, Durangoans questioned how anyone could afford a treatment plant – which would cost $20 million to build and about $1.2 million to operate in perpetuity – without Superfund.

San Juan County Commissioner Scott Fetchenier said Sunnyside Gold Corp.'s $10 million offer was one of the major reasons that commissioners decided to appeal directly to Congress, saying they might use Sunnyside's money immediately rather than turning to Superfund and "waiting to find out whether Kinross Gold Corp. is held responsible for this," a process he described as "ponderous."

He advised against Superfund, saying that, "in the event Silverton became a superfund site, Sunnyside and its parent company, Kinross, a multi-billion dollar mining conglomerate, have promised to "withdraw the offer" and use the money instead for litigation.

Durango Mayor Dean Brookie was incredulous at this, saying the $10 million that Sunnyside Gold Corp. had offered was chump change next to the financial damage that the EPA was looking at.

San Juan County Commissioner Ernie Kuhlman said it was possible that another mine in Silverton could blow out.

But, he said, a water-treatment plant would do nothing to prevent that.

Brookie said Sunnyside had brandished its offer of putting $10 million toward cleanup on the condition that the community not pursue Superfund.

"Ten million is a microdot in this context. Losing that money should not affect this conversation," he said. "My children drink the water. To put up $10 million willy-nilly for a fix-it – that money's been spent already," saying the EPA had already spent $1.6 million, and he'd already asked the EPA's director for $50 million.

Peter Butler said it's possible that $10 million looked like a lot more money before the Gold King Mine blowout.

One woman asked whether even $100 million dollars would be sufficient to address the problem in perpetuity.

"It's a start," Brookie said.

Another Silvertonian said the timing was right to ask Congress for money, as they're "not happy with the EPA right now."

Brookie said Congress isn't "in the business of writing checks directly. That's not they're job or their legal purview. I'm curious about how much research" was put into the request.

Travis Stills, energy and conservation law attorney in Durango, said it was high time to "get on with Superfund. Not Superfund-light. Let's embrace the EPA and solve this problem" and "stop bad-mouthing Superfund."

He said the federal government's writing blank checks "without employing a proven (Superfund) methodology that's cleaned up many sites in the state" was how the Gold King blowout happened in the first place.

"Mining companies – those folks will have to be brought to bare and pay," he said.

Later, Dan Olson, director of San Juan Citizens Alliance, told the Stakeholders Group: "You say that you have not taken a position on Superfund. So it's disconcerting that tacitly, all the information that's been presented about Superfund has been very negative. If (the group) is against Superfund, state that."

He said he hoped the discussion about Superfund could continue "without bias." He added. "That would be helpful, going forward."

A regular attendee of the stakeholder's group meetings in the front row yelled, "Never going to happen!"

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150825/NEWS01/150829777/Silverton-calls-for-Congressional-funding-

**Silverton is calling for federal funding**

Water treatment, mine mitigation the top priorities

By Mary Shinn Herald staff writer

Article Last Updated: Tuesday, August 25, 2015 11:06pm

Sludge from the Gold King Mine wastewater spill in Silverton coats the banks of the Animas River just north of Durango on Aug. 7, two days after an estimated 3 million gallons of contaminated water spilled from the mine north of Silverton.

Local officials in Silverton are urging Congress to provide funding to address the long-term acid mine drainage from the many mines above the town. But they aren't necessarily looking for Superfund dollars.

In a joint resolution, officials laid out projects that would be necessary to prevent another disaster such as the Gold King Mine blowout that released an estimated 3 million gallons of metal-laden water Aug. 5 and closed both the Animas and San Juan rivers.

"The most important thing is this never happens again," said Bill Gardner, the town administrator.

Gardner apologized during a Durango City Council meeting Tuesday and explained the document that the Silverton Town Board signed Monday and the San Juan Board of County Commissioners passed Tuesday.

Gardner said he was profoundly sorry for the waste and the affect on businesses in town, especially because he was a Durango resident for 16 years.

"A piece of my heart is broken," he said.

Silverton officials are also seeking funds to mitigate the current environmental and economic impacts on downstream communities, including all of the impacted Native American reservations, Gardner said.

"We recognize that this is a regional problem and that it starts in our neighborhood," William Tookey, a San Juan County administrator, said in a prepared statement.

They want a broad approach that would address draining mines across the whole Upper San Juan Basin.

A permanent water-treatment facility for the acid mine drainage in upper Cement Creek and field work to identify and address other mine portals that could blow out were also requested.

The joint resolution did not list a dollar amount or a federal agency, such as the Environmental Protection Agency, that elected leaders think should provide the money.

This was an intentional decision, Gardner said. Officials are open-minded on how the disaster funds could be appropriated, and town officials are neutral on the question of a Superfund designation.

But Superfund has been underfunded for a long time, and local officials are looking for a more immediate remedy, he said.

"The EPA and Superfunding is not a silver bullet," he said.

A solution will not come cheap.

"We need millions of dollars for this, because science isn't cheap, and construction isn't cheap," he told the councilors.

The town is working with Rep. Scott Tipton, R-Cortez, and others on a funding designation, and local officials are trying to work fast while the problem still has national attention, Gardner said.

"I, absolutely, am scared," he said. "If we lose the spotlight ... our hopes could be dashed."

Currently, work on the Gold King Mine is ongoing, and a crew of about 30 people from the EPA and contractors are closing down the mine for the winter and making sure all the water can be diverted to a water-treatment area at the nearby Red and Bonita Mine, Gardner said.

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**Glenwood Springs Post Independent (CO)**

http://www.postindependent.com/opinion/17877006-113/letter-animas-spill-just-a-preview

**Letter: Animas spill just a preview**

8/25/15

I have been following the Animas River mine spill of toxic metal laden waters with some interest. I view it as merely a preview of coming attractions. Colorado alone still has some 20,000 such abandoned mines and many of those will contain more nasty surprises. All for the taxpayers to cleanup at their expense. A legacy of the 1872 mining law which gave mining companies free rein to do as they pleased. The expense will never be returned to those who made it. Besides, they have already spent the money.

I suppose the bright side of the current mess is that it gave the Southwest Indian Tribes a distraction from dealing with Sen. John McCain's continuing efforts to steal sacred Indian lands and sell them to international corporations for exploitation. Check on this with the Western Shoshone and the Navajo. (The Navajo just ran McCain off their lands.) And, of course, it gave the crowd of Republican candidates something else to blame on Obama, so they didn't have to complain about The Donald.

Americans, particularly our Republican friends, none too sharp at these things, will not be thinking about the related legacy of abandoned coal mine disasters, yet to be paid for, as a result of the current give-away laws "managing" mining. I would add to that the certain, complete national ground water catastrophe being generated by fracking. I'm betting the national treasury will pony right up to pay for these impending horror stories and the mine owners and oil companies won't lose any profits. I mean, really they almost own Congress now, and there's no way some silly law holding them responsible will ever be introduced, much less passed.

Of course, it's really about jobs. All these nice people that exploit the resources of the American people for damn near free, definitely provide jobs. Why, I'd bet those workers get at least 2 or 3 cents on the dollar to what the "captains of industry" make. I don't think it matters too much though — the workers aren't trying to buy the country.

R.W. Boyle

New Castle

**KOB 4 News (NM)**

http://www.kob.com/article/stories/s3888938.shtml#.Vd3AhvlVhHw

**Colorado Parks and Wildlife officials testing river spill effects on fish**

Updated: 08/25/2015 6:37 PM | Created: 08/25/2015 6:05 PM

By: Devin Neeley, KOB Eyewitness News 4

DURANGO, CO -- It's been weeks since the Gold King Mine spilled 3 million gallons of waste into the Animas River, turning it a shocking color of orange. As things slowly get back to where they were pre-spill, researchers continue to look at the long-term effects of the spill - especially on wildlife.

"Today we are assessing the fish population in the Animas River," said Jim White, an aquatic biologist for Colorado Parks and Wildlife in Durango.

Colorado Parks and Wildlife officials have been keeping a close eye on all the wildlife in and around the Animas River since the massive mine spill almost three weeks ago.

"Once we know that we have our population estimate, we can compare that to last year and previous years in the Animas River," said White.

As any angler will tell you, fishing and catching are very different, so CPW uses a technique to guarantee catching.

"We are using an electro fishing raft out here that stuns the fish," said White.

That stun allows crews to scoop the fish up into a holding tank before they can be weighed, measured and released back into the water.

"All this information, we hope, helps with a larger cleanup effort - justification for larger cleanup in the Silverton area," he said.

This stretch of the Animas River has historically had pollution problems from various sources, which has impacted fish populations in the past.

"The bottom line is trout need clean, cold water and I think any efforts focused on eliminating sources of pollution are going to be helpful," said White.

As biologists work to get a better idea of how the mine spill will affect wildlife, they are also looking for ways to ensure the water is healthy in the future.

"Everything from remediation, to cleaning up abandoned mines up in the Silverton area, to folks managing storm water runoff," White said.

**Newsweek**

http://www.newsweek.com/epa-spill-conspiracy-theories-gain-traction-utah-legislature-365819

# EPA Spill Conspiracy Theories Gain Traction in Utah Legislature

BY ZOË SCHLANGER

8/25/15 AT 5:47 PM

Within days of the U.S. Environmental Protection Agency's accidental release of 3 million gallons of mining wastewater into the Animas River in Colorado, portions of the Internet frothed over with conspiracy theories that the EPA spill may not have been an accident. Now, that line of thinking has found its way to the Utah legislature. And with a nod from the state's attorney general, it's gained a sliver of official traction.

Two members of the Utah legislature last week speculated in an official briefing that the EPA might have caused the disaster on purpose, the Salt Lake Tribune reported. The reason for the spill, hypothesized Republican State Senator Margaret Dayton, was the agency's desire to secure Superfund designation for the Gold King mine, something that the residents in the area, concerned over the impact on tourism, adamantly resisted. (Never mind that EPA agreed earlier this year to a mitigation plan for the hard rock mines, like Gold King mine, that perpetually leaked pollution in the area. The plan would be federally funded, like a Superfund project, but it would sidestep official Superfund designation.) Representative Mike Noel, also a Republican, meanwhile suggested that the EPA may have caused the spill to help environmentalists put an end to the hard rock mining industry, according to the paper. Both asked the Utah Attorney General Sean Reyes for an investigation. He said he'd look into it, the Tribune reported.

Reached for comment Monday, Reyes said he hasn't seen any compelling evidence to say the spill wasn't an accident—yet.

"At this early stage we have not seen any evidence of intentional conduct by the EPA, but we do know the agency was aware in 2014 of the massive buildup of toxic wastewater and the potential for a dangerous blowout and release," Reyes said, referring to a recent Associated Press report that the EPA knew there was a risk of a blowout at the mine site prior to the spill.

Noel, meanwhile, who sits on the the Utah legislature's Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee, says she would "absolutely" abolish the EPA if given a chance, and is sure there is a larger anti-mining agenda at work.

"The EPA is on the top of the list for government departments that we do not support and don't get along with. They've used their influence and regulations to stop a large amount of projects in rural Utah. We have very very little respect for the EPA, especially under [EPA Commissioner] Gina McCarthy. She comes from a very, very radical background," he said on the phone Tuesday. Noel represents the two counties in Utah, San Juan County and Kane County, affected by the spill. "I see this, quote, 'accident,' as—I'm not sure if they consciously did it, I just said I want to see an investigation. Why did they breach the barrier? It sure seems to me that when you're dealing with those chemicals from gold mining you'd be very very careful. I don't put anything past the EPA. I've seen the way they use their regulating powers to shut down projects, harm mining, harm farmers."

Noel added that he thinks the EPA's goal is to ruin the mining industry.

"I think everything the EPA does is an attempt to smear mining. Especially under Gina McCarthy. I think everything has to do with that. There is definitely a total bias against mining," Noel said, adding that the U.S. should be producing more of its own coal and minerals, not less. "We're 100 percent dependent on Red China. These are strategic minerals we need in our supply. We're shutting down our coal mines, they're building one a month. It's kind of an upside-down world for me."

"I'm not crazy. I'm skeptical of the government," he said.

Dayton, who also sits on the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee, wrote in an email Monday that she is concerned that the EPA "may have had an accidental/on-purpose spill so as to qualify for Superfund cleanup funds."

"I am not at liberty to share all the information being gathered," she wrote, but linked to a letter to the editor published in the Silverton Standard & the Miner, a local newspaper, written a week before the spill by a retired geologist, that appears to predict that the EPA's work at the Gold King Mine could wind up releasing toxic waste water. In addition, the letter (currently being shared on a number of conservative and Tea Party websites) alleged that if it did, it would be "EPA's plan all along"—a "Superfund blitzkrieg" to justify the agency's "hidden agenda" for the construction of a water-treatment plant.

But Utah State Senator David P. Hinkins, who chairs the subcommittee on which both Noel and Dayton sit, says that this is all nonsense. "I don't think anyone would do something like that. That's the farthest thing from my mind personally. It's human error," he said, and added that he hasn't heard other lawmakers speculating otherwise.

The EPA, meanwhile, issued a blunt response.

"In terms of audacity, this ridiculous conspiracy claim ranks next to the moon landing and the president's birth certificate both being fake," Press Secretary Melissa Harrison said in a statement. "EPA will take responsibility to ensure it is cleaned up."

The U.S. Interior Department is conducting an investigation into the spill. The results are expected to be released publicly within two months, according to the AP.

**Santa Fe Reporter (NM)**

http://www.sfreporter.com/santafe/article-10850-dirty-water.html

**Dirty Water**

Federal rules wouldn't have saved the Animas River from Gold King anyway

August 26, 2015, 12:00 am

By Elizabeth Miller

When the Animas River was winding that now-famous orange line through southern Colorado and toward the state line, staff for the New Mexico Environment Department were waiting for it. They sampled the water before the plume arrived, while it passed through and after it was ostensibly gone, charting a return back to its "normal" levels of contamination.

Shortly after their test results are posted, Allison Majure, communications director for the department, stands in front of roughly 100 people gathered for a nightly update in Farmington after millions of gallons of pollution from an abandoned gold mine poured into the river. The meeting comes a week after drinking water intakes for Farmington and Aztec had been shut off and farmers and ranchers were told to stop using irrigation ditches or well water for crops, livestock or homes.

And this is the first most of them have heard of anything resembling test results on what, exactly, was in the river when it turned a toxic, mustard color. Even some of the public officials present to speak have not yet heard that test results were available.

Ire is accumulating, and though audience members have been asked to submit all their questions in writing, they quickly devolve into shouting them out to officials.

The department's analysis, Majure says, has determined that the heavy metals in the river never failed to meet drinking water standards. She pulls up the report on her phone to read to audience members the findings that "all of the parameters that we tested for, the heavy metal parameters between Friday, August 7 and Sunday, August 9 were below applicable state water quality standards. That time frame is when the plume was here."

An angry voice comes from the audience: "So what you're saying is when the river was orange, it was safe to drink?"

Majure is quick to respond: "I wouldn't have drunken a glass of orange water from that river," and she adds, "These aren't the rest of the Safe Drinking Water Act constituents, these are just the heavy metal ones. So that doesn't translate into, 'The water was safe to drink,' but it does tell you that the concentration of the plume when the river was orange, that the suspended and dissolved substances, was below water quality standards. But that does not mean that the water was safe to drink."

It's a bizarre juxtaposition. The US Environmental Protection Agency is charged with enforcing standards both for treating water and for trying to keep pollution from happening in the first place. Or, at least, on paper, that's the agency's job.

The two cornerstone pieces of federal legislation dictating the quality of what comes out of our taps at home and what protections are promised to its headwaters, the Safe Drinking Water Act and the Clean Water Act, both date to the 1970s. Yet even within those rules, the EPA is forced to balance economic concerns against environmental ones, to consider the average rather than the vulnerable edges, and to fight political battles that shift with elections. And the rules don't really equate to "safe" or "clean," despite their names.

"People think 'Oh the drinking water standards, that must be the most protective thing there is,' but that's not always the case," says Rachel Conn, interim executive director of water watchdog group Amigos Bravos. "For some parameters, there are water quality standards that protect aquatic life that are more protective."

Heavy metals lingering in waterways can bio-accumulate in fish over time, so while the water itself might not exceed recommended heavy metals standards, if a person eats the fish, they could be consuming a heavy dose of metals alongside.

"While I think it's encouraging that drinking water standards are being met, that doesn't mean that it is safe for all users and uses of the river," Conn says.

Water-quality tests of the Animas River show that during the period of the plume, the primary

contaminants were heavy metals—aluminum, arsenic, barium, cadmium, cobalt, copper, lead, manganese, iron, mercury, molybdenum, nickel and zinc among them.

The state environment department has linked the river's yellowish color to trace metals attached to suspended sediments, mostly iron and manganese. Iron particles, in particular, take credit for the color, and iron isn't even on the list of contaminants the EPA's National Primary Drinking Water Standard requires testing for, nor are many of the other heavy metals found in the plume.

One of the big gaps with the federal rules is that they don't treat all pollution the same. The Clean Water Act, which targeted what are known as point-source industrial polluters like factories, power plants and refineries, reduced the amount of phosphorous wastewater treatment plants can release, banned phosphate laundry detergents (a food source for harmful algae) and restricted mercury, DDT and other toxins.

But the act does not regulate run-off from garden chemicals, sewer overflows and agricultural fertilizers, all sources of pollution defined as "nonpoint." Abandoned mines, for example, and their associated acid drainage are also considered nonpoint sources of pollution under the act and not subject to the same stringency as a point source of pollution, like a wastewater treatment plant.

SFR asked six different EPA staff members to confirm that Gold King Mine is still considered a nonpoint source of pollution; every one of them passed the buck on to someone else with the agency to answer.

Only this summer did the EPA finalize revisions to the Clean Water Act that say it even applies to tributaries like Cement Creek, the first recipient of the August waste dump, as well as wetlands areas and other headwaters.

Meanwhile, the Safe Drinking Water Act sets two levels for 90 microbiological, chemical, radiological and physical contaminants: first, a maximum contaminant level goal, an unenforceable target that takes into account sensitive populations like infants, elderly and those with compromised immune systems, and then, a maximum contaminant level, the enforceable standard for public water systems.

At the goal level, there is no known or expected health risk from those contaminants, but the EPA concedes that sometimes the technology won't allow public water systems to meet those goals at a price tag they can afford, so they fall back on the lower level. In setting contaminant levels and crafting treatment plans, the EPA also completes an economic analysis to "determine whether the benefits of that standard justify the costs." If not, the EPA may adjust the desired levels.

Systems serving up to 10,000 people—and more than 90 percent of public water systems fit this criteria—can be granted variances if they can't afford to comply with the Safe Drinking Water Act.

Some communities can't even afford the cost of testing their own water, and so everyone in New Mexico pays 3 cents for every 1,000 gallons to fund testing the state environment department does on behalf of public water systems, including Santa Fe's.

When he woke last weekend to see clouds on the horizon, Kim Carpenter, chief executive officer for San Juan County, says that instead of feeling relief for the farmers who need the water on their crops, he was worried for the river and what a hard rain could stir up in the sediment. Though river restrictions have been lifted and water quality tests so far have not shown "any alarming, staggering numbers," he says concerns with river quality and contamination are not just going to go away, and rainstorms and spring runoff will call for close monitoring.

"There's no question it's an ongoing assessment," Carpenter says.

Normal use of the river has mostly resumed in Northern New Mexico, though the Navajo Nation is still declining to use water from the river for irrigation or homes, and there's an advisory against consuming fish caught from the river, a problem that might continue for years to come. Testing of water and sediment samples will continue, Carpenter says, as will conversations on what to do with the lingering problems upriver.

"We're at the mercy of upstream, so there's litmus tests that are going to have to be looked very close at just because of the fact that we don't want this to happen again," he says.

The county is likely to be involved in ongoing discussions about whether to ask for more federal cleanup help for the upper Animas River, where Gold King is just one among several mines that have been steadily leaking toxins into the river for decades.

"It's pretty concerning to know that there's hundreds of mines up there that are already secreting elements of fluid," Carpenter says. "I think that's something that we definitely need to look very closely at and be able to identify what we're going to do to one, put them on the map, [and] two, what's going to be the ongoing observation with regard to seeing what's happening with those mines, what elements of weather are having an adverse effect on those mines and specifically looking at targeting how to remediate this."

Thousands of abandoned mines lie in the Rocky Mountains, near the headwaters of major rivers that crisscross Colorado and drop into New Mexico, and officials have long recognized the public health risks they pose. Waste rock piles and flooded mine adits perpetually leach heavy metals and chemicals. So, when EPA contractors accidentally breached a dam at the Gold King Mine, releasing a rush of 3 million gallons of contaminated on Aug. 5, it was only the most obvious of problems to hit that watershed.

The mine was already leaking water, and the contractors were working to measure it and figure out how to treat it. The creek and the hillsides Cement Creek cuts through near Silverton, Colo., are often a burnt umber shade that's a familiar marker for historic mining activity; rock stained orange and yellow, heaved out of the earth into piles, is often the most visible of the footprints left from the gold rush.

By Aug. 11, David Ostrander, director of emergency response programs for EPA's Region 8 in Colorado and on-site in Durango, was telling press conference attendees, "In the water quality realm, we're seeing conditions pretty much back to a pre-incident level here in the Durango area."

When a reporter asked about returning to contamination levels that predate mining activity in the area, Ostrander said, "Mining activity in the Silverton, San Juan basin area has a long, long history of many years, and it has contributed sediment deposition from the mines for many years, mostly in the upper reaches of the Animas, but down some into the lower reaches, and so there is

a long-term metals impact. So when you say pre-mining, we'd be going way back in time to determine what that was."

The EPA rapidly constructed four ponds to treat the water before it leaves the Gold King site. Sampling and water quality testing is expected to continue as far downriver as Mexican Hat, Utah, far past the Animas' confluence with the San Juan River and approaching where it joins the Colorado River in Lake Powell. The states of Colorado and New Mexico are sampling fish tissue and have not yet reported any effects from the spill.

The Department of the Interior launched an independent investigation into the accident on Aug. 18. Results are expected in 60 days.

As the plume moved from the Durango area to New Mexican communities like Farmington and Aztec, sediments carrying heavy metals have settled along the riverbank. The concentrations of heavy metals found in the water have therefore decreased, according to the EPA. They lie in wait for future storms to stir them back into the water.

The New Mexico Environment Department has called for additional data to track the chemical influence of those metals and predict how far they're likely to migrate downriver, questions as yet unanswered in EPA data.

Colorado and New Mexico's governors and the Navajo Nation all declared a state of emergency in response to the spill. While Farmington and Aztec residents were able to use municipal water from reservoirs that had shut off their lines to the Animas before the contamination arrived, rural residents on well water who might be affected and those in the Navajo Nation, who rely on the river and view it as sacred, were hit harder by the temporary closure.

Navajo Nation residents were among those in Northern New Mexico who had water delivered in 6,000-gallon tanks that at one point were used in fracking operations but were reportedly scrubbed clean by a local trucking contractor. Hydraulic fracturing fluid uses its own host of nearly 700 chemicals, and if the tanks held water from deep underground that had accompanied oil and gas to the surface, their contents could have been radioactive. Reports have since come from the Navajo Nation complaining that the delivered water is as contaminated as the river and that it has an oily appearance.

The EPA also delivered more than 1 million gallons of water for irrigation and 36,720 gallons for livestock before irrigation ditches reopened on Aug. 15 for farm and livestock watering; restrictions have been lifted for 1,270 well users within a mile and a half of the Animas, drawing river water to irrigate crops and recreation.

"We still have some ongoing concerns with the quality of the water that's in the river long before this sludge even hit," Carpenter adds.

Nitrates from cattle manure, leaking septic systems and illegal dumping are also are causing issues.

"I think the lesson in many ways has been learned that there has to be something done about this to ensure, number one, this doesn't happen again. Number two, that there's communication on the entire corridor. The initial communication we got from the EPA is that this thing was going to dissipate above Durango, which was absolutely false. This yellow plume came right through San Juan County and went right into the confluence of the San Juan River, which ultimately flows right into Lake Powell," he says. "When 66 percent of the surface water that comes through New Mexico flows right through this county, it is a natural resource that we've got to take care of and we need to protect, and it needs to be protected at the top, all the way downstream."

Collaborations up and down the river, over multiple agencies and governing bodies, may first require some hatchet-burying.

Colorado's Governor John Hickenlooper was photographed a week after the spill drinking a bottle of water from the Animas River—treated with an iodine tablet that would kill bacteria—in an effort to show his comfort with the level of contaminants in the river. New Mexico Environment Department Secretary Ryan Flynn dismissed the move as a "cheap political stunt with zero regard for what is scientifically valid and the health of citizens" during the Aug. 12 meeting in Farmington. Flynn encouraged attendees to explain to anyone who mentioned the governor's actions that "under the best of circumstances, you should not be drinking river water."

Presumably, he means untreated river water.

The EPA has caught plenty of flack for hiring contractors who made a bigger mess than the problem they were sent to solve. But the finger-pointing that has followed ignores the fact that the EPA was created in 1970 to solve the problems—with taxpayer money—Congress didn't have the political will to force private polluters to pay for. The gold boom in the West predated (by more than a century) laws requiring miners to reduce pollution and clean up possible water and soil contaminants from acid mine drainage and heavy metals. In fact, the General Mining Law of 1872, which is still the guiding legislation for mining in the US, not only doesn't call for federal royalties for extracting hard-rock minerals like gold, uranium and copper, it provides mining some of the laxest public oversight of any industry, according to the Natural Resources Defense Council.

The Colorado office of the Bureau of Land Management estimates there are 4,670 mine features in the state that may affect water resources (as well as 10,818 features like open adits and shafts, walls and collapsing structures that likely pose physical safety hazards). Responsible parties have evaporated—people died, companies dissolved or were absorbed into others, mining claims were abandoned and ownership returned to state or federal governments.

The BLM has prioritized the upper Animas and Arkansas rivers in southwest and central Colorado for remediation, but shrinking and erratic funding rendered a plan to clean up 35 mines over six years a perhaps overly optimistic projection, according to the agency's own documents.

Colorado's not alone. By some counts, there are half a million abandoned mines in the US. In September 2014, a southern Arizona town saw a stream run orange when a lead and silver mine flooded, and pollution washed toward the town's water supply. A former open-pit copper mine in Montana has filled with water so toxic that after a flock of migrating snow geese landed and lingered for several days, hundreds of them died; the mine now has a 24-hour bird watch program. Birds that spend only a few hours in the pond are thought to "not be at substantial risk," according to a 2002 consent decree between the EPA and the parties "potentially" responsible.

Maps produced by the New Mexico Bureau of Geology and Mineral Resources show industrial and heavy minerals mining districts scattered throughout the state, with mines numbering in the thousands. But the days of mines left without parties or money to clean them are over here, says Douglas Meiklejohn executive director of the New Mexico Environmental Law Center.

"That isn't going to happen in New Mexico anymore because of the enactment of the New Mexico Mining Act in 1993; that act requires very stringent reclamation, but it also requires the posting of what are called financial assurances so that there is money to clean up and reclaim a mine even if a mining company either walks away or goes bankrupt or disappears," Meiklejohn says.

The 1993 law applies to mines producing marketable quantities of minerals for two years since 1970. It's how Molycorp stays on the hook for the Questa Mine it closed last summer.

Amigos Bravos is currently challenging proposed revisions to existing standards for copper mines from the Martinez administration that the group says would weaken groundwater safeguards for mining and any other industries.

"These are groundwater-specific rules that are reversing decades of practice of protecting groundwater…to make sure all groundwater meets standards, and this new rule allows these sacrifice zones near and under mining companies so that mining companies don't have to treat or clean up to groundwater standards," Conn says.

The newest gold mine development in Colorado, a recent purchase by leading gold producer Newmont Mining, is located just west of Colorado Springs, east of the Continental Divide. Next time, perhaps the downstream problem will head east, toward the Mississippi, not west into the desert. We'll see if anyone pays attention then.

**From:** Bressler, Lindsey
**Sent:** Tuesday, August 25, 2015 3:13 PM
**Subject:** RE: CO Mine Spill Clips - 8/25

**ABC Channel 7 Denver (CO)**

http://www.thedenverchannel.com/news/local-news/silverton-to-seek-federal-cleanup-help-after-gold-king-mine-disaster

**Silverton to seek federal cleanup help after Gold King Mine disaster**

12:42 PM, Aug 25, 2015

SILVERTON, Colo. - The Colorado town where a toxic mine leak earlier this month unleashed a torrent of heavy metals into Western rivers has decided to change course and request a federal disaster funds to clean up the mine.

The Silverton Board of Trustees and the San Juan County Commission approved a joint resolution Monday to seek the money. It's a reversal for local officials who long feared that designation as a federal Superfund site would harm economic development.

On August 5, workers with the Environmental Protection Agency (EPA) triggered a breach at the Gold King Mine outside Silverton in San Juan County.

The breach released more than three million gallons of water containing lead, arsenic and other metals into Cement Creek, which flowed into the Animas River and continued downstream past Durango, into New Mexico.

Colorado governor John Hickenlooper has already declared the spill a disaster emergency.

The order allocated $500,000 from the state's Disaster Emergency Fund to pay for the response and technical assessments, according to governor John Hickenlooper's office.

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**Associated Press (via 9 News CO)**

http://www.9news.com/story/news/local/2015/08/25/mine-town-to-seek-federal-help/32337551/

**Colorado mine town to seek federal cleanup help**

Associated Press, news source

12:34 p.m. MDT August 25, 2015

SILVERTON (AP) - The Colorado town where a toxic mine leak earlier this month unleashed a torrent of heavy metals into Western rivers has decided to change course and request a federal disaster funds to clean up the mine.

The Silverton Board of Trustees and the San Juan County Commission approved a joint resolution Monday to seek the money. It's a reversal for local officials who long feared that designation as a federal Superfund site would harm economic development.

That decision same under fire when the partly collapsed Gold King mine ruptured Aug. 5, spewing 3 million gallons of metal-laced water. The waste entered a creek that feeds major rivers in several Western states.

A crew from the U.S. Environmental Protection Agency caused the leak when workers were trying to stabilize the mine.

**EP News Wire**

http://epnewswire.com/stories/510635091-arkansas-senator-cotton-calls-for-answers-from-epa-over-gold-king-mine-spill

**Arkansas Senator Cotton calls for answers from EPA over Gold King Mine spill**

Tuesday, Aug 25, 2015 @ 1:37pm

By EP News Wire Reports

U.S. Sen. Tom Cotton (R-AK) released a statement Tuesday critical of the Environmental Protection Agency's response to the Aug. 5 Gold King Mine spill that released contaminated water into the Animas River.

The spill was accidentally triggered by EPA actions at the abandoned mine in Colorado, resulting in the discharge of heavy-metal contaminated water that spread through Colorado, New Mexico and the Navajo Nation.

"I am deeply troubled by EPA's continued lack of responsibility and integrity with its response to the disaster it caused in the Animas River," Cotton said. "Rather than actually take responsibility, the EPA continues to hide behind its bureaucracy.

"Waiting weeks to release documents related to the spill late on a Friday night and subsequently redacting relevant information in those documents is absurd," Cotton said. "If a private company acted like the EPA, it would likely be facing criminal charges – brought about by the EPA. I urge the EPA to immediately release in full all documents related to the Animas River disaster. The American taxpayers deserve answers from this rogue agency."

**Fox 31 Denver (CO)**

http://kdvr.com/2015/08/25/silverton-san-juan-county-seek-federal-funds-after-mine-blowout/

**Silverton, San Juan County seek federal funds after mine blowout**

POSTED 12:11 PM, AUGUST 25, 2015,

BY CHUCK HICKEY

SILVERTON, Colo. — Silverton and San Juan County officials announced Tuesday they will work with partners in the Animas River Basin to seek federal funding to clean up mine waste after the Gold King Mine disaster earlier this month.

A joint resolution was passed Monday night by the San Juan Board of County Commissioners and the Silverton Town Board of Trustees to get adequate funding to the area and to clean up the long-term impacts of mining.

"The people of the town of Silverton and San Juan County understand that this problem is in our district and we feel we bear a greater responsibility to our downstream neighbors to help find a solution to the issue of leaking mines," the resolution said.

"We have been working together for over 20 years to try to deal with the environmental threat of the idled mines in the area, but we've never had the resources necessary to get the job done," Silverton town administrator Bill Gardner said in a statement. "We are committed to working with our downstream partners to make sure a disaster like the Gold King spill never ever happens again."

On Aug. 5, 3 million gallons of mine wastewater spilled into Cement Creek, a tributary of the Animas River, after the Environmental Protection Agency was working to redmediate contaminants at the mine.

The wastewater flowed into the Animas River and downstream, turning the pristine river an orange/yellow color and forcing its closure. The EPA has said it is responsible for the blowout.

The joint resolution says federal funding could pay for building and operating a water treatment facility and further remediation of the contaminated mines in the area.

Funds could also help to support the Southern Ute, Ute Mountain Ute and Navajo Nation, which were affected by the spill.

"We recognize that this is a regional problem and that it starts in our neighborhood," San Juan County Commission Chairman Willy Tookey said in a statement. "We are determined to work collaboratively with our downstream neighbors and federal, state and local agencies to restore the water quality in the rivers and to make sure all affected communities recover from this environmental and economic catastrophe."

**Fox News/Watchdog.org**

http://www.foxnews.com/politics/2015/08/25/epa-withholds-mine-spill-documents-from-congress/

**EPA withholds mine spill documents from Congress**

By Tori Richards

August 25, 2015

A congressional committee blasted the Environmental Protection Agency today for blocking release of documents related to the Gold King mine disaster, which poured deadly chemicals into the largest source of drinking water in the West.

"It is disappointing, but not surprising, that the EPA failed to meet the House Science Committee's reasonable deadline in turning over documents pertaining to the Gold King Mine spill," said Rep. Lamar Smith (R-TX). "These documents are essential to the Committee's ongoing investigation and our upcoming hearing on Sept. 9. But more importantly, this information matters to the many Americans directly affected in western states, who are still waiting for answers from the EPA."

Smith – who frequently spars with the EPA – is chairman of the House Science, Space, and Technology Committee. EPA director Gina McCarthy has been asked to appear and answer questions about the agency's role in creating a 3-million-gallon toxic spill into Colorado's Animas River on Aug. 5. Critics say McCarthy and the EPA have been unresponsive, secretive and unsympathetic toward millions of people who live in three states bordering the river.

For several days, the EPA didn't notify the states of Utah, New Mexico or the Navajo Nation that the spill was coming their way. McCarthy waited a week before visiting Colorado and even then she refused to tour Silverton, the town nearest the Gold King mine where EPA contractors unleashed the toxic plume into waterways that feed the Colorado River. The agency withheld the name of the contractor working on the project and other details that are generally considered public information. Lastly, the Navajo Nation, which relies on the river for drinking water and farming, received an emergency supply from the EPA in oil-contaminated containers.

Smith also blasted McCarthy for traveling to Japan while controversy over the spill continues to swirl. He criticized President Barack Obama, as well.

"EPA Administrator Gina McCarthy is currently crusading on climate-change action in Japan while President Obama, who has yet to visit the areas affected by the spill, is touring the U.S. to tout EPA's latest regulation that will do little to impact climate change and will only further burden Americans with higher electric bills," Smith said.

And it's not just the public and the media that have been frustrated by the EPA's inaction.

"Time and again, the EPA has failed to be cooperative, forthright, or reasonable in its dealings with my Committee and with Congress in general," Smith told Watchdog. "The agency embodies all the dysfunction, misguided priorities, and government overreach that angers so many Americans. The EPA seems to have a clear disregard for the very people it is intended to serve."

The hearing is scheduled to last just a day and could include testimony from the firm that was contracted to stem the flow of toxic water from several mines above Silverton. Smith said in a

statement last week that people affected by the spill continue to deal with limited information and uncertainty.

"As the agency entrusted by the American people to protect the environment and ensure the nation's waters are clean, the EPA should be held to the highest standard," Smith said. "The Science Committee needs to hear from the EPA about steps it is taking to repair the damage and to prevent this from ever occurring again."

One official familiar with the committee but not authorized to speak said House members have been dismayed by an increased number of reports showing either incompetence or flat-out disregard in a variety of situations not limited just to the Animas River spill.

And at least one state senator has started an investigation into allegations that the EPA purposely caused the spill to create a Superfund site – a designation that the tiny town of Silverton has repeatedly rebuffed.

"EPA gets a failing grade from me for pursuing an extreme agenda at the expense of our nation's economy, American interests, and, in this case, environmental protection," Smith told Watchdog. "The more I review reports from the spill, the more questions I have about EPA's faulty processes and failure to communicate with local residents and officials."

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**The Hill**

http://thehill.com/policy/energy-environment/251917-groups-push-for-new-federal-mining-rules

**Groups push for new federal mining rules**

By Devin Henry

08/25/15 02:49 PM EDT

A coalition of environmental groups and Native American tribes are asking officials to overhaul federal mining standards ahead of new uranium mining near the Grand Canyon.

The groups, a collection that includes local tribes and conservation organizations like the Grand Canyon Trust, petitioned four agency heads on Tuesday asking for changes to rules governing mining on federal lands.

The request comes months after a federal judge cleared an energy company to begin mining for uranium near the Grand Canyon in Arizona years after the company abandoned its original mining plans there. The groups warned that such "zombie mines" — those re-opened after periods of inactivity — could have a negative impact on public health or the environment.

New standards are especially necessary, the groups argued, in light of this month's toxic waste spill triggered by a clean-up crew at an abandoned mine in Colorado.

"The Animas River disaster must mark the end of the days where irresponsible mining threatens our region's livable future," Anne Mariah Tapp, the energy program director for the Grand Canyon Trust, said in a statement.

"Our coalition's petition provides the federal agencies with a reasonable path forward that will benefit western communities, taxpayers, water resources, and our most treasured landscapes."

Among the groups' suggestions: limiting mining approvals to 20-year internals, instituting a new environmental review process for mines that have been inoperative for at least 10 years, requiring federal inspections of those mines and setting deadlines for reclaiming them and monitoring water quality there.

New regulations, the groups said, would make operators, rather than the government, responsible for ensuring safety at the mines.

"We know that [Bureau of Land Management] and the Forest Service have too few resources for

too many tasks," the groups said in a letter to the agency heads. "That is why, under our proposal, the burdens to apply for permit renewals, and to provide better and more timely information regarding temporary closures and re-openings, would fall primarily on operators."

The letter comes as Energy Fuels Inc. gears up to begin mining for uranium at Arizona's Canyon mine. Conservation groups and a Native American tribe had challenged the U.S. Forest Service's 2012 decision to allow mining there, but a federal judge rejected their argument and approved the company's plans in April.

The groups' petition went to the secretaries of Interior and Agriculture, the director of the Bureau of Land Management and the Forest Service chief.

**Navajo-Hopi Observer (AZ)**

http://nhonews.com/main.asp?SectionID=1&SubSectionID=1&ArticleID=17068

**Environmental groups, county petition federal agencies to change mining regulations**

8/25/2015 10:26:00 AM

Katherine Locke Reporter and by Loretta Yerian, Reporter, Williams-Grand Canyon News

FLAGSTAFF, Ariz. - In light of the recent Gold King Mine spill, concerned tribes, counties, national and regional groups are petitioning federal agencies to change mining regulations to prevent mining disasters from occurring, particularly in the Grand Canyon region.

Grand Canyon Trust, along with the Havasupai, Hualapai and Zuni tribes, Coconino County, San Miguel County, Colorado, Sierra Club, Center for Biological Diversity and other national and regional organizations petitioned the Forest Service and Bureau of Land Management to make four changes to hard rock mining rules that govern mines.

The four key changes to existing Bureau of Land Management and Forest Service mining regulations would be to: impose limits on the duration of mining permits, impose enforceable reclamation deadlines on mines, require regular monitoring and inspections and limit the number of years that a mine can remain inactive. The coalition expects a response in about a year.

Anne Mariah Tapp, energy director for the Grand Canyon Trust, said the Animas River spill served as a call to action on the problems that natural resources face from the mining industry.

"Because of that, several national groups have been working on mining reforms on a national level," Tapp said. "(They're) hoping, and we're joining them in that hope, that we can really serve as a regional voice to illustrate some of the regional problems happening...in particular in the Grand Canyon region. We can join this petition together as a push for larger solutions that might include things like reclamation funds for the abandoned mine issue, which our petition doesn't address."

Tapp said the petition was initiated in response to the problems the groups saw with inactive and existing uranium mines in the Grand Canyon region and beyond.

"Our petition has a very regional focus, however, the way that the 1872 mining law, uranium is classified as a hard rock mineral, so the same regulations govern uranium, gold, silver, all kinds of hard rock minerals," Tapp said. "The solution we came up with to address this regional problem were improvements to the mining regulations that apply to all federal public lands."

As the rules exist now, inoperable mines have the potential to pollute surface and groundwater, contaminate soils and kill vegetation, adversely affect sensitive species and their habitat, adversely affect sensitive cultural and historic resources and have the potential to profoundly affect human health, according to the petition released by Grand Canyon Trust.

The Gold King Mine, which spilled 3 million gallons of acidic wastewater and other unknown contaminants into the Animas River Aug. 5, is an abandoned mine. The hard rock mining rules that the organizations wish to change in contrast to abandoned mines target existing and operating mines, even if they have been inoperable for a period of time, that have a plan of operation, and that have ongoing or inactive operations.

"Our petition targets the mines that have an ongoing relationship with a live operator," Tapp said. "Not some ghost corporation who's vanished off the plateau."

She said those mines have an impact and the rules regulating them are not adequate enough.

"With the uranium mines in the Grand Canyon region, one of the things we are seeing is these mines opening under plans of operation that are over 30 years old and no long term ground water requirement," Tapp said.

One of the solutions proposed is to impose long term ground water monitoring for at least 30 years after the closure of a mine or mitigation of any damage is completed.

"In terms of a potential Gold King like disaster to occur at one of the Grand Canyon mines, I would say it would manifest in different way," Tapp said. "One of the biggest issues we see as a threat to the underlying groundwater beneath these mine shafts, which are thousands of feed deep and penetrate perched aquifers."

Tapp stressed that the petition does not request the cleanup of abandoned mines that was never addressed a hundred years ago.

While the groups have approached the leaders of the Navajo Nation on this issue, the Nation has already enacted a ban on uranium mining and has an extensive abandoned mine lands program with some governmental help.

"I hope we are going to be able to explore future partnerships," Tapp said. "At this point, they're evaluating their response, especially to the Animas River spill and how this relates to their abandoned mine program and (they are) sort of doing their internal work now."

Coconino County has signed onto the petition. Incidents like the spill into the Animas River affect tourism and the burden ends up on people who rely on the tourism industry to survive.

"When the Animas disaster happened in the middle of tourist season, all of the rafting companies, restaurants and tourism industries in Durango really took a big hit because of that," Tapp said. "I think it's really in the counties interest to ensure that if the lands within their jurisdiction are using for mining activities, that it's regulated to the maximum extent possible to prevent instances of contamination."

Tapp said that it is the prevention of future issues that the petition seeks to address.

"The crisis of the Animas River and the disaster truly is related to our efforts in that we are trying to prevent that incident like that happening by making sure operators can't walk away from the current contract and their current operations," Tapp said. "We are trying to create a solution on the front end."

**Navajo-Hopi Observer (AZ)**

http://nhonews.com/main.asp?SectionID=1&SubSectionID=1&ArticleID=17064

**Begaye says no to lifting restrictions on San Juan River for irrigation**

8/25/2015 10:12:00 AM

WINDOW ROCK - Navajo Nation President Russell Begaye announced Aug. 24 that he has not lifted restrictions on opening the San Juan River for irrigation purposes after an Aug. 5 spill into the Animas River from the Gold King Mine.

"I am furious that the US Environmental Protection Agency (USEPA) has placed the Navajo

Nation into this position," Begaye said. "Our farms will not last much longer without water and our resources are depleting. These past few days I have visited with the farmers along the San Juan River because they are part of this decision."

On Aug. 20, the Office of the President and Vice-President (OPVP) held a public meeting for the impacted chapters to give farmers and chapter officials a forum to express their concerns. During the meeting, five of seven San Juan River area chapter officials spoke against opening the river for irrigation.

The farmers were overwhelmingly concerned about contaminating their fields and crops.

"It was heartbreaking to hear farmer after farmer tell us they have said goodbye to their crops and made peace," said Vice-President Jonathan Nez.

Begaye asked community members to put a resolution before their respective chapters to vote on whether or not they want to open the river for irrigation.

On Aug. 21, through resolution, the Shiprock Chapter voted 104-0 with nine abstaining to keep the canals closed for a period of one year. Shiprock area farmers utilize the Hogback pump, which affects Tse Dah K'aan, Shiprock and Gadii'ahi chapters.

During this meeting a concerned farmer said he was against opening the irrigation. The farmer said he would instead save as many crops as he could by hauling water. Most of the crops on his 33 acres have not matured.

Raised as a farmer himself, Begaye understands the impacts that keeping the water shut off will have to area farmers as they depend on crops for subsistence and income.

The Shiprock vote against opening the canals represents the community's concern to use precaution and not risk possible contamination to irrigation canals and crops.

The Navajo Nation Environmental Protection Agency (NNEPA) has reported that initial data from their water samples concurs with data from neighboring jurisdictions in finding that water from the San Juan River is safe for irrigation purposes.

The USEPA has given initial reports on the soil, but the Navajo Nation will rely on the NNEPA for final test results. These soil samples are critical in identifying levels of metals that have settled along the river banks.

"I'm glad the water samples indicate the water is safe for irrigation use but I remain concerned over the soil and sediment that lines our river bank," Begaye said. "Every time a heavy storm hits or the soil is disturbed it can re-contaminate the water."

The NNEPA will have final results from their soil samples this week.

"The health of our Navajo people will always come first. As such, we must be diligent and cautious in making this decision," Nez said.

Begaye and Nez remain firm in holding the USEPA accountable for releasing contaminants into the Animas and San Juan Rivers during the Gold King Mine spill.

While the river remains closed, the Navajo Nation will continue to work with the Bureau of Indian Affairs (BIA) to provide water for irrigation, livestock and drinking purposes.

**From:** Bressler, Lindsey
**Sent:** Tuesday, August 25, 2015 12:43 PM
**Subject:** RE: CO Mine Spill Clips - 8/25

**Phoenix New Times (AZ)**

http://www.phoenixnewtimes.com/news/to-prevent-another-animas-river-spill-environmental-groups-and-local-tribes-demand-feds-update-mining-regulations-7593413

# TO PREVENT ANOTHER ANIMAS RIVER SPILL, ENVIRONMENTAL GROUPS AND LOCAL TRIBES DEMAND FEDS UPDATE MINING REGULATIONS

BY MIRIAM WASSER

AUGUST 25, 2015 | 12:30 PM EST

In the wake of both the recent Gold King Mine disaster, which unleashed more than 3 million gallons of toxic mining waste into the Animas River earlier this month, and the impending resumption of uranium mining at Canyon Mine near the Grand Canyon, a coalition of 15 environmental organizations, three Native American tribes, and two counties in Arizona and Colorado filed a petition today under the Administrative Procedures Act demanding that the U.S. Forest Service and Bureau of Land Management update federal mining regulations.

"For too long, the federal government has allowed our public lands to become toxic dumping grounds for mining corporations," says Katherine Davis of the Center for Biological Diversity in a joint statement released this morning by the coalition. "Federal agencies have the ability to start addressing the problems unfolding at existing mines now . . . to ensure better protection of public lands, water supplies, and wildlife habitat."

Today's action is the latest in an ongoing battle to stop uranium mining and limit the impacts of hard-rock mining in the region by coercing the federal government to take stronger regulatory action. Of particular concern to those filing the petition is the set of rules contained within the General Mining Act of 1872 Mining, like those governing post-mining cleanup and "zombie mines," or mines that go in and out of use depending on market conditions.

As it stands, once a mining company's plan of operation is approved, its permit is open-ended

and not subject to further review or revision, even if external conditions change. The petitioners say that because our scientific understanding of ecosystems and water contamination has improved dramatically since many of the permits were granted in the early 1980s, it doesn't make sense to not require an updated environmental impact statement.

The current "permitting regime fails to avoid, minimize, and mitigate the deleterious effects of uranium mining on human health and the environment, consistent with the [BLM and FS'] legal mandates," the petition states.

"Because inoperative mines are inadequately regulated, they pollute surface and groundwater, contaminate soils and kill vegetation, adversely affect sensitive species and their habitat, adversely affect sensitive cultural and historic resources, and have the potential to profoundly affect human health."

The groups behind today's filing — which include the Grand Canyon Trust, the Center for Biological Diversity, Earthworks, the Sierra Club, the Information Network for Responsible Mining, Uranium Watch, the Havasupai, Hualapai, and Zuni tribes, and Coconino County and Colorado's San Miguel County — want to see the federal rules changed to prevent future "radioactive contamination in the Grand Canyon and protect water resources within the Colorado River Basin."

At the heart of the 74-page petition are four suggestions:

1. Limits on the lifetime of a mine permit.

2. Enforceable reclamation deadlines and groundwater monitoring requirements on mines.

3. Regular monitoring and inspections.

4. A limit on the number of years that a mine can remain inactive.

"The manner in which the agencies currently regulate inoperative mines simply is not working, and a better regime can be achieved with relatively modest effort," states the petition.

"Our proposed changes would build upon concepts and authority already present in the agencies' regulations and impose little additional burden on regulated entities, all with an eye toward more responsibly managing our public lands."

As the Center for Biological Diversity's Davis told New Times earlier this summer, "allowing uranium mines to operate without a full understanding of the scientific, environmental, and cultural risks hurts our public lands and endangers our drinking water." She and other environmentalists warn of impending and non-reversible environmental destruction, particularly if groundwater continues to be polluted.

"It is my view that protection of land resources, water resources, and environmental values must cover all phases of uranium mining activity from exploration, through development and production, to reasonable post-mining rehabilitation," explains Mandy Metzger, a member of the Arizona Board of Land Management Resource Advisory Council and a representative on the Coconino Board of Supervisors, the latter of which is a co-petitioner in today's filing.

"Current regulations do not provide assurance that uranium mines near the vicinity of the Grand Canyon are adequately regulated."

**Summit County Voice (CO)**

http://summitcountyvoice.com/2015/08/25/petition-seeks-new-mining-regulations-to-prevent-future-disasters-like-the-animas-river-spill/

**Petition seeks new mining regulations to prevent future disasters like the Animas River spill**

Posted on August 25, 2015 by Bob Berwyn

FRISCO — Congress, under fierce lobbying pressure from the mining industry, may not have

the political wherewithal to make meaningful changes to mining laws.

But public land agencies could tweak their regulations to reduce the chances of another event like the spill from the Gold King Mine that tainted the Animas and San Juan rivers earlier this month.

A coalition of community and environmental groups hopes to spur those changes at the Department of the Interior and Department of Agriculture with a formal petition under the Administrative Procedures Act. The petition seeks four key changes to mining rules that would go a long way toward averting future toxic spills.

The rules changes would:

Limit the lifetime of a mine permit,

Impose enforceable reclamation deadlines and groundwater monitoring requirements on mines

Require regular monitoring and inspections,

And limit the number of years that a mine can remain inactive.

"As a county with hundreds of abandoned mines affecting two headwaters rivers of the Colorado Basin, we really place a high importance on sustainable uses of our public lands and protecting water," said Art Goodtimes, a commissioner in San Miguel County, Colorado.

"The proposed rules will help ensure that existing and inactive mines are reclaimed in a timely manner and the environment will be better protected than what happened with our San Juan County neighbors," Goodtimes said.

"The Hualapai Tribe supports the petition to make long overdue changes to the mining regulations," said Councilwoman Sherry Counts of the Hualapai Nation. "Indian tribes have always viewed themselves as stewards with an obligation to take care of the earth that has provided for them. The Animas disaster only accentuates the urgency for federal agencies and the mining industry to do a much better job of protecting our precious land, air, and water."

The regulatory changes are a reasonable reaction to the Animas River spill, which showed clearly how historic mining activity threatens communities and the environment, said Anne Mariah Tapp, energy program director for the Grand Canyon Trust.

"The Animas River disaster must mark the end of the days where irresponsible mining threatens our region's livable future," Tapp said. "Our coalition's petition provides the federal agencies with a reasonable path forward that will benefit western communities, taxpayers, water resources, and our most treasured landscapes."

The petition was prompted in part by the potential threat of uranium mining to the Grand Canyon region, which are operating under environmental reviews and permits from the 1980s, with no requirements for groundwater monitoring once mining is complete.

Like the abandoned gold mine that spilled wastes into the Animas, old and new uranium mines must be addressed before they contaminate the Colorado River and its tributaries.

"The Havasupai Tribe supports this petition that will better protect our aboriginal homelands and the waters that flow into our canyon home," says Rex Tilousi, Havasupai Tribal Chairman. "This petition is an important part of our decades-long fight to protect our tribal members, homeland, and sacred mountain Red Butte from toxic uranium mining contamination."

Along with the threats posed by existing mines, there are hundreds of thousands of abandoned mines in the United States that pollute an estimated 40 percent of streams in the headwaters of western watersheds. Most of these toxic mines, including the Gold King Mine, exist because the 1872 Mining Law, still the law of the land, didn't require cleanup.

"If we are serious about the protection of the Grand Canyon and Colorado River water resources, we need to call for change," said Art Babbott, a county supervisor in Coconino County, Arizona. "Common sense reforms to the federal agencies' mining regulations and the 1872 Mining Law serve the interests of healthy watersheds, strong regional economies, and having science – as opposed to politics – guide our decision-making for mining on public lands."

"For too long, the federal government has allowed our public lands to become toxic dumping grounds for mining corporations," says Katie Davis, public lands campaigner with the Center for Biological Diversity. "Federal agencies have the ability to start addressing the problems

unfolding at existing mines now, without waiting for congressional action, to ensure better protection of public lands, water supplies and wildlife habitat."

"We must act to prevent future disasters like the one that turned the Animas River orange," says Earthworks' Bonnie Gestring. "Our petition for stronger mining rules would help reform dangerous industry practices while we push to reform the 1872 Mining Law, which would fund the cleanup of the hundreds of thousands of abandoned mines that litter the West."

Specifically, the petition seeks to limit the duration of approved plans of operations to 20 years, with the option to apply for 20-year renewals. It would also require new environmental studies for any mining operation that has been inoperative for 10 or more consecutive years and require the BLM and Forest Service to regularly inspect mining operations.

Mining operators would also regularly be required gather and disclose information regarding the status and conditions of those operations, during non-operational periods.

The changes would also impose deadlines for commencing and completing reclamation activities once a mining operation ceases, and impose long-term monitoring requirements for surface water and groundwater quality.

The petition was prepared by the Stanford Environmental Law Clinic and is supported by the Havasupai Tribe (Arizona), the Hualapai Tribe (Arizona), the Zuni Tribe (New Mexico), Coconino County (Arizona), and San Miguel County (Colorado), as well as more than a dozen national and regional environmental organizations including the Grand Canyon Trust, the Center for Biological Diversity, Earthworks, the Sierra Club, the Information Network For Responsible Mining, Uranium Watch and others, representing millions of people who treasure our public lands and waters.

**From:** Bressler, Lindsey
**Sent:** Tuesday, August 25, 2015 9:57 AM
**Subject:** RE: CO Mine Spill Clips - 8/25

**Associated Press (via Chicago Tribune)**

http://www.chicagotribune.com/news/nationworld/ct-navajo-mine-spill-20150824-story.html

# Navajo farmers reject use of water after mine spill

August 24, 2015, 10:40 PM

FLAGSTAFF -- One of the largest communities of Navajo farmers along the San Juan River has voted to keep irrigation canals closed for at least a year following a spill of toxic sludge at a Colorado gold mine.

The unanimous vote by more than 100 farmers in Shiprock, New Mexico, was heart-wrenching and guarantees the loss of many crops, Shiprock Chapter President Duane "Chili" Yazzie said Monday.

But he said farmers don't want to risk contaminating the soil for future generations.

"Our position is better safe than sorry," Yazzie said.

The U.S. Environmental Protection Agency and the Navajo Nation EPA have said the water is safe for irrigation, based on surface water testing. Other communities off the reservation have cleared the water for drinking, recreation and irrigation.

The Navajo Nation has been hesitant to lift restrictions on using the river water, mostly over concerns about contaminants being stirred up and washed down the river. The Navajo Nation EPA expects to have test results from soil samples later this week.

Tribal President Russell Begaye has asked several farming and ranching communities impacted by the Aug. 5 spill from the Gold King mine near Silverton, Colorado, to weigh in by passing resolutions with an official position.

Shiprock is the only community that has submitted a resolution so far, tribal spokesman Mihio Manus said.

Begaye, who grew up in a small farmhouse in Shiprock, said he realizes the impact that keeping the water shut off will have on farmers.

"I am furious that the U.S. EPA has placed the Navajo Nation into this position," Begaye said in a news release. "Our farms will not last much longer without water, and our resources are depleting."

Manus said farmers can seek reimbursement for the costs of hauling water through their community centers, or chapters.

The EPA stopped providing agricultural water Friday on the Navajo Nation in an agreement with Begaye. EPA spokesman David Gray said Monday the EPA is evaluating other ways of delivering water to the tribe.

Farmers in Shiprock had rejected water tanks from an EPA contractor after tribal officials complained that one appeared to have oil residue. The EPA said over the weekend that it is looking into the complaint and would work with the tribe to remove 13 tanks from the reservation.

Gray said the EPA believes the irrigation ditch on the Navajo Nation is suitable for use and the agency will continue assessing the tribe's need for resources.

The EPA is providing hay to ranchers along the river, while the U.S. Bureau of Indian Affairs

has set up water tanks for livestock, officials said.

"When the Navajo Nation President lifts the restriction, the Bureau of Indian Affairs (BIA) Navajo Regional Office will continue to provide water support for livestock for only one week after that decision is made. Then BIA will dismantle our current operations from the temporary water locations," the agency said in an email to The Associated Press.

A water treatment plant on the Utah portion of the reservation that drew water from the San Juan River also will remain offline until Begaye gives the OK for it to begin operating again, said Deenise Becenti with the Navajo Tribal Utility Authority.

Water is being hauled in to top off a tank so residents can continue to have running water in their homes, she said.

In Shiprock, a constant line of vehicles waits to fill huge containers with water. Yazzie said he spent the weekend watering about 500 of his own plants but estimates that other families have thousands that have been wilting.

"We're going to struggle to save what we can and what we lose, we'll expect somebody to provide compensation," Yazzie said.

Associated Press

**Current Argus (NM)**

http://www.currentargus.com/carlsbad-opinion/ci_28695752/lujan-cops-out-being-cleanup-policing-agent

**OPINION: Lujan cops out of being cleanup 'Policing Agent'**

By Harold Morgan

New Mexico Progress

POSTED: 08/24/2015 05:32:16 PM MDT

Twice in 42 seconds, KOB-TV offered Congressman Ben Ray Lujan the opportunity to grab the role of "policing agent" in the aftermath of the Environmental Protection Agency spilling toxic sludge into a tributary of the Animas River.

Twice Lujan copped out.

I just happened to the story when it see ran August 13 at 6 p.m. Chris Ramirez, the reporter, said there is an expectation in the area that Lujan not let the EPA off easily, probably because Lujan represents the area in Congress. One would think hassling the EPA would be his job. (Quotes here are from KOB's video, posted at KOB.com.)

"We ask Ben Ray Lujan how he plans to hold the EPA accountable," Ramirez said. The story was 3 minutes, 29 seconds long.

At 1 minute, 48 seconds, Ramirez asked Lujan, "Based on what you're hearing today, are you satisfied?"

Lujan replied, "We can always do better and there is always more that can be done. We are communicating" with congressional committees and federal organizations including the White House.

All process stuff here. Lujan has learned political doublespeak so well that he has adopted the royal "we."

A further 42 seconds into the report, Ramirez said to Lujan, "There a lot of people looking to you to make sure you are the policing agent on the EPA."

Lujan's non-response: "Well, there has to be full accountability with the EPA on this."

Others have stepped up. Susana Martinez, attorneys general from the three affected states, including our Hector Balderas, always ready with pithy remarks for television cameras.

The Navajo Nation plans to sue the EPA. In an August 9 Navajo Times story, the Navajo Nation President Russell Begaye "reiterated his plans to sue the EPA and revealed the Navajo Nation has been taking its own water and sediment samples, which will be sent to the Massachusetts Institute of Technology for analysis. 'We're not going to depend on EPA,' he said. 'We're going to get our own answers.'"

A lawsuit is process, too, but suits are specific, quite different from seeking oversight hearings.

The highlight of the KOB story came from EPA Administrator Gina McCarthy, who said, "The river is restoring itself." The hilarity is that McCarthy's statement is exactly the type of language earning environmentalists' contempt when coming from businesses.

Even better, McCarthy spoke the truth. The Animas and San Juan rivers reopened on August 15 and 16 for recreational, agricultural and municipal uses.

Not only were the EPA and its contractors stupid and inept, the EPA's response offers a classic crisis-communications failure. The crisis rule is talk early, often and truthfully. Incredibly the EPA said nothing for a day. McCarthy wandered by nine days after the spill.

For background on the difficulties of cleaning up abandoned mines, see the Property and

Environment Research Center at perc.org.

The response from Sens. Martin Heinrich and Tom Udall was not much. Both have their DNA wrapped with environmental dogma. Heinrich announced plans for a bill to change the 1872-vintage federal mining act and got a nice photo op holding a hose filling a stock tank. Udall issued a release saying the spill "is of great concern to me."

I think "concern" is Udall's favorite word.

By contrast, Alaska Republican Sen. Lisa Murkowski has a 17-bill package to create a real national energy policy. She says we must "tackle notoriously slow federal permitting."

Lujan may be too busy to lead the response to the EPA. He chairs the Democratic Congressional Campaign Committee. Among its other work, the DCCC sends really stupid, highly exaggerated emails excoriating Republicans and seeking money. Writing the emails takes time.

**Denver Post (CO)**

http://www.denverpost.com/news/ci_28696659/epa-works-identify-mines-like-gold-king

**EPA works to identify mines like Gold King**

The EPA is searching for mines with similar risks as the Gold King

By Jesse Paul

POSTED: 08/25/2015 12:01:00 AM MDT

The Environmental Protection Agency says cleanup work on mines throughout the country remains on hold as its regional offices scurry to identify other sites at risk of blowing out like the Gold King Mine did this month.

David Gray, an EPA spokesman, said Monday the agency is specifically looking for mines with similarities to the Gold King, which spilled 3 million gallons of contaminants on Aug. 5 above Silverton.

He said the survey is being done "to identify any potential immediate threats and to consider appropriate response actions."

The EPA late Friday released 92 pages of documents showing the agency knew the Gold King Mine was at risk for blowout at least 14 months before the massive release. The spill sent yellow-orange sludge cascading into a tributary of the Animas River and prompted emergencies in three states and two American Indian tribes.

According to the EPA, it is undertaking an "extensive file review" to see if any — and potentially how many — Colorado mines have also been documented by the agency as being at risk for blowout. The EPA said Monday it did not have an exact count on the number of mines it is working at in Colorado and throughout the nation.

"We do not know of documentation showing blow-out risk at other mines in Colorado that can be shared with you immediately," the EPA said in a statement sent to The Denver Post.

A June 2014 task order for the Gold King documented blow-out risks and called the mine a "time critical" site.

"Conditions may exist that could result in a blowout of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine, which contain concentrated heavy metals," a task order said.

Experts say there is no way to know exactly how many other mines in Colorado are at risk for blowing out.

"(Blowouts are possible) when you've got mine workings that go up multiple levels," said Peter Butler, a coordinator for the Animas River Stakeholders Group. "You've got the ability to build up a lot more water pressure."

Butler said in Colorado there are "quite a few" such mines, but that they don't represent the majority of tunnels in the state. In the Upper Animas River Mining District where the Gold King sits, Butler says he knows of four blowouts in the last 20 years.

All of them happened naturally and were much smaller than the Gold King's massive release, he said.

"I think most of the mines that have a potential for blowout are not being worked on," he said. "They are just sitting there."

Ron Cohen, an associate professor of civil and environmental engineering at the Colorado School of Mines, said blockages holding back walls of wastewater are fragile and can burst with little effort.

"When you have these unstable blockages in these mine workings, you never know what's going to happen," he said. "You can be repairing a road in front of the mine portal and just those vibrations can set something off."

Cohen explained that while blowouts can happen both naturally and with human interaction, locally most happen from the latter. He pointed to the April 2009 Big Five Mine spill into Clear Creek after miners using shovels inadvertently released backed up contaminants.

The spill lasted six hours and, as in the case of the Gold King breach, turned water downstream orange.

"These places, they're collapsed," Cohen said of the difficult task ahead of the EPA in trying to identify mines that are at risk for blowing out. "There's absolutely no documentation of their workings. There is a lot of guesswork involved."

Hays Griswold, an EPA supervisor who was at the scene of the Gold King blowout Aug. 5, in an interview with The Post earlier this month said he was aware of another mine in the area whose owner expressed fears of a blowout.

That mine lacks multiple levels but has a long tunnel.

"It would be messy if it blew out," Steve Fearn, another coordinator with the Animas stakeholders group, said of the site. "It probably wouldn't be nearly as big as the Gold King, (but) it wouldn't be a good situation."

Fearn, who was president of the Gold King Mine Corp. — which owned the Gold King — in the late 1990s said while the possibility of major blowouts isn't an immediate crisis, the danger represents "a time-bomb situation."

"There are probably only a few mines that represent a significant risk," he said.

Jesse Paul: 303-954-1733, jpaul@denverpost.com or twitter.com/JesseAPaul

Gold king mine

The Gold King was in and out of operation between 1887 and 1922, during which is shipped 711,144 tons of gold and silver ore, according to the EPA. It is currently held by the Golden-based San Juan Corp. and had a permit for operation until 2005.

**Denver Post (CO)**

http://www.denverpost.com/news/ci_28695692/navajo-nation-not-lifting-san-juan-river-closure

**Navajo Nation not lifting San Juan River closure after EPA OK's water**

Tribe leaders say farmers are still weary of San Juan River's waters

By Jesse Paul

POSTED: 08/24/2015 05:25:40 PM

The tribe says it is waiting on testing from its internal environmental agency before reopening the river.

"I'm glad the (EPA) water samples indicate the water is safe for irrigation use, but I remain concerned over the soil and sediment that lines our (river's) bank," said tribe President Russell Begaye in a statement. "Every time a heavy storm hits or the soil is disturbed it can recontaminate the water."

The tribe, in a news release, said the majority of chapters impacted by the closure voted last week against reopening the San Juan out of fears its waters might contaminate their crops.

The EPA said Wednesday the river's levels had returned to what they were before the agency spilled 3 million gallons of mine contaminants Aug. 5 upstream in Colorado.

Navajo officials have chastised the EPA since the spill and tribal leaders say the aftermath of the release left their people on the brink of economic disaster since use of the San Juan for agricultural purposes was banned.

Many Navajo farmers said their crops died in the disaster's wake.

The contamination left the Navajo, already mistrustful of the federal government, angry at the EPA and seeking damages. The tribe's leaders have vowed to file suit against the agency.

While the river remains closed, the Navajo Nation says it will continue to work with the Bureau of Indian Affairs to provide water to residents for irrigation, livestock and drinking purposes.

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150824/NEWS01/150829799&source=RSS

**Superfund issue may dominate Tuesday's Animas River Stakeholders Group meeting**

In spill's wake, Animas River group's meeting expected to be lively

By Chase Olivarius-Mcallister Herald staff writer Article Last Updated: Monday, August 24, 2015 10:51pm

The Tuesday meeting of the Animas River Stakeholders Group at 6:15 in Silverton Town Hall is expected to center around whether abandoned mines around the town should be placed in the federal Superfund program.

The Animas River Stakeholders Group – an un-elected volunteer group that for two decades has been at the center of the debate about how to address the pollution gushing out of Silverton's defunct mines – is to meet Tuesday for the first time since Gold King Mine spewed 3 million gallons of sludge downstream on Aug. 5.

While most of the group's meetings take place during the day, this meeting will begin at 6:15 p.m. at Silverton Town Hall, making it easier for members of the public to attend.

The meeting comes at a time when the question of whether the Environmental Protection Agency should list Silverton's oozing mines under Superfund has taken on new urgency for both downstream communities such as Durango and people in Silverton.

Facebook users have been planning to crash the meeting for weeks. Tom Newman, writing on The Durango Herald's website, challenged others to attend in the wake of the Gold King blowout and go "person to person" to ask why Silvertonians still spurn Superfund designation.

Peter Butler, co-coordinator of the volunteer group, said while he was aware of online agitation, he did not know what would happen Tuesday or who would attend.

Unlike the Silverton Town Board or the San Juan County commissioners, the stakeholders' group has "no authority to compel anyone to do anything. We tend to be a fairly technically oriented group," he said.

The stakeholders group, which includes scientists, environmentalists, mining interests and government representatives, was founded in 1994 as an alternative to Superfund with the mission of improving water quality in the Animas through a "collaborative process."

Even in recent years, as pollution from Silverton-area mines worsened – killing 3 out of 4 fish species living in the Animas below Bakers Bridge – San Juan County officials resisted the EPA's warnings that the defunct mines needed to be placed under Superfund, saying they preferred working on the problem through the stakeholders' group.

But since the Gold King blowout, skeptics downstream and in Silverton have questioned whether a cleanup can be accomplished through the stakeholders' group – which counts representatives from Sunnyside Gold Corp., the last major mining company to operate in the area, and San Juan Corp., the owner of Gold King Mine, among its members.

Melody Skinner, a longtime Silvertonian, has started a petition effort demanding Superfund while longtime stakeholder group members such as John Ferguson continue to oppose Superfund and support addressing the area's defunct mines through the group.

In an email about the meeting, Peter Butler, co-coordinator of the Animas River Stakeholders' Group, told the stakeholders: "I'm sure it will be quite interesting."

In an email, Silverton resident Bob Boeder said pro-mining, anti-Superfund voices in the stakeholders' group like Ferguson's "do not represent me or most people who live here."

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150824/NEWS01/150829811/EPA:-River-contaminates-trending-toward-pre-event-levels-

**EPA: Contaminants near pre-spill levels**

Agency says it validated river samples collected in mid-August

By Jonathan Romeo

Herald Staff Writer Article Last Updated: Monday, August 24, 2015 10:06pm

Less than three weeks after 3 million gallons of contaminated mine runoff surged down the Animas River, Environmental Protection Agency officials said metal concentrations in surface water are trending toward pre-event conditions.

The EPA said it validated river samples from the Animas River and San Juan River in New Mexico collected on Aug. 11 and Aug. 14. Officials believe the samples indicate the rivers are returning to levels before the Aug. 5 spill.

"Based upon the sediment sampling results, sediment sample concentrations are trending toward pre-event conditions," the EPA said Sunday in a news release.

The EPA, the agency responsible for accidentally releasing the heavy-metal contaminated water, said it also compared levels for exposure during recreational use to determine if metals in the water are on par with pre-spill levels.

But some say there is far more concern and uncertainty when it comes to the mineral-rich orange sediment that settled on the banks and Animas riverbed.

The sediment, which contains elevated levels of lead and arsenic, poses a potential health risk in both the short- and long-term.

"That's where the real risk lies in the river," Danny Teitelbaum, a Colorado School of Mines professor and toxicologist, said in a previous interview with The Durango Herald. "That's persistent material that can get into the fish, plants and even the water supply. ... The big risks are birth defects and neurological effects on children, whose nervous systems are developing."

At Iris Park on Monday, news of the EPA's latest update did little to assure Durango residents of the river's safety.

"I am still skeptical of the river," said Christine Siodla, who has lived in Durango for about 13

years. “I would feel comfortable boating, but I would never, myself, feel comfortable swimming just yet. The sediment is still on the bottom, even though we can’t see it.”

As small groups of kayakers and inner-tubers passed by, Barb Garlick, a 38-year resident of Durango, said the EPA has done the best it can under the circumstances, but it’s still too early to really know the impacts of the spill.

“I’m not letting my dog play in it,” she said. “He used to play in the river almost every day, but I don’t want him to stir up the sediment that’s settled. We really miss it.”

As of Monday afternoon, EPA spokeswoman Jennah Durant said the mine is releasing water at a rate of approximately 559 gallons per minute. Durant said that water is captured and treated before being discharged into Cement Creek, a tributary of the Animas.

**High Country News**

https://www.hcn.org/articles/five-western-waterways-worse-than-the-orange-animas

**Five Western waterways worse than the orange Animas**

Colorado’s Animas River has gotten the most attention — but it’s hardly alone.

Krista Langlois

Aug. 24, 2015 Web Exclusive

When the Environmental Protection Agency unleashed a plume of pollution into Colorado’s Animas River earlier this month, it garnered huge national attention. The spill was significant: Three million gallons of mining waste laced with heavy metals spewed from the Gold King Mine. Levels of lead and arsenic spiked to levels way beyond what’s safe for human health.

They still linger to an unknown degree in the sediment.

But it's hard to call the incident catastrophic. At its worst, near the headwaters, the river's pH was 4.8, or roughly equivalent to a cup of black coffee. Downstream in Durango, it never dipped below 6.8, says the independent Mountain Studies Institute — just a smidge more acidic than pure, neutral water with a pH of 7. Elsewhere in the West, people regularly live alongside and play in waterways at least as polluted as the Animas. Here are five.

Montana's Clark Fork: Home to fly fishing, kayaking and whitewater rafting, Montana's largest river also harbors the nation's largest watershed restoration project — a Superfund site to clean up the heavy metals deposited by abandoned mines. The restoration has successfully removed arsenic, copper, zinc, lead and cadmium from the river. Yet because it's funded by a single mining company, there's no money to mitigate the mercury streaming from hundreds of mines owned by other mining companies, or those that are no longer owned by anyone at all. And it's not just the Clark Fork: The EPA estimates that mining has contaminated the headwaters of 40 percent of Western rivers.

New Mexico's San Juan: Every spring, river runners flock to a section of the San Juan in Utah. But upstream in New Mexico, Melissa May of the San Juan Soil and Water Conservation District has found that levels of human and ruminant fecal matter far exceed the Clean Water Act's standards for recreation. Monthly averages shouldn't surpass 126 CFUs (colony-forming units), but some sites on the San Juan where people commonly recreate have counts in the thousands. There may be some relief on the horizon — after years of battles, wastewater treatment in San Juan County is about to improve — but it's been hard to get people's attention when the water looks fine. "The E. coli is definitely not bright orange," May quips.

Idaho's Lake Coeur d'Alene: The lake is the main driver of Coeur d'Alene's tourism economy — and home to 75 million tons of sediment polluted with lead, arsenic, cadmium and zinc. As with the Animas, locals in Coeur d'Alene resisted designating the area as a Superfund site for fear of the stigma it could bring. Now, leaders are acknowledging that the $1 million spent annually on cleanup isn't enough to protect water quality. Metals left over from a century of hard rock mining continue to flow into the lake during high runoff; in January 2011, an estimated 352,000 pounds of lead washed into the lake in just 24 hours.

Idaho's Snake: Once home to vibrant inland salmon runs, the Snake River is now euphemistically known as a "working river" — or, as HCN contributor Richard Manning put it, a

river that's "wholly subservient to agriculture." Today, the salmon are all listed as endangered or threatened, wells are contaminated with nitrogen, and unmonitored herbicides, pesticides and manure seep into the water table. As of last year, Idaho had 13,057 miles of streams and rivers that fail to meet Clean Water Act standards.

The Animas River — in 1975: In 1975, following a tailings pile breach on the upper Animas, every single fish placed in a cage in the river bit the dust. After the spill this month, just one of the 108 trout dunked in the Animas died. If there are any lessons to be learned from this, it's that a) rivers are remarkably good at healing themselves; and b) just because the river heals doesn't mean the problem has been solved. More than half a million abandoned and inactive hardrock mines dot the West, and many are just waiting to burst. As Andy Corra, co-owner of 4Corners Riversports in Durango, told me, maybe it's a good thing this one happened on the EPA's watch. At least that way, there may be money — for a change — for remediation.

Krista Langlois is an HCN correspondent based in Durango, Colorado.

**Parker Pioneer (AZ)**

http://www.parkerpioneer.net/news/article_d2b508ae-4aa8-11e5-a8df-a30ccc8baf4f.html

**ADEQ says Colorado River water shouldn't be hurt by spill**

Posted: Monday, August 24, 2015 2:41 pm

By John Gutekunst Parker Pioneer

Based on analysis of water samples taken 100 miles from Lake Powell, the Arizona Department of Environmental Quality has stated a spill of toxic materials from an abandoned gold mine in Colorado should have no impact on water quality in the Colorado River.

The spill occurred Aug. 5 at the abandoned Gold King Mine near Silverton, Colo. Contractors working for the U.S. Environmental Protection Agency were attempting to insert a pipe into the mine to drain off the toxic materials. They underestimated how much pressure had built up underground. As a result, over 3 million gallons of waste material was released into Cement

Creek, a tributary of the Animas River. The Animas flows into the San Juan River, which is a tributary of the Colorado River.

The governors of Colorado, Utah and New Mexico and the Navajo Nation declared states of emergency.

In a press release dated Aug. 17, ADEQ Director Misael Cabrera said the Utah Department of Environmental Quality had sampled water in the San Juan River approximately 100 miles upstream from Lake Powell. They found the water quality to be consistent with pre-spill conditions.

"The ADEQ does not expect this spill to have short- or long-term negative impacts to Lake Powell and the downstream Colorado River," Cabrera said in the press release.

Public health officials in Mohave and La Paz Counties earlier stated the spill will have dissipated and have been diluted to the point where the effects would be negligible by the time the spill reached here.

The ADEQ's press release went on to state the agency will continue to work with environmental officials in Utah, Colorado and New Mexico and the EPA to monitor water quality from the spill. They noted water use restrictions on the Animas River were lifted Aug. 14 because the river had returned to pre-spill conditions.

The Congressman who represents La Paz County, Rep. Paul Gosar, R-Ariz., has called for EPA Administrator Gina McCarthy to be held accountable for the spill. He and other members of Congress have signed a letter criticizing the EPA's response to the spill, especially regarding their notification of communities impacted by the spill. Gosar also criticized the Obama Administration for not speaking out against the spill as they would've spoken out if it had been done by a private entity.

**Reuters**

https://www.rt.com/usa/313304-epa-blowout-risk-colorado-mine/

**Danger of toxic 'blow-out' at Colorado mine known to EPA since 2014 – documents**

Published time: 25 Aug, 2015 02:08

The Environmental Protection Agency knew about the danger of toxic water potentially spilling out of Colorado's Gold King Mine more than a year ago, new internal documents show. It's unclear what, if anything, the agency did to reduce the risk.

Released on Friday, the documents show that no maintenance had been conducted at the mine since 1999, and in a document dated June 2014, officials warned that a 1995 mine portal collapse, as well as other subsequent internal collapses, made the mine more susceptible to "blow-out."

"This condition has likely caused impounding of water behind the collapse," the document reads. "Conditions may exist that could result in a blow-out of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine, which contain concentrated heavy metals."

Meanwhile, a document from May 2015 also described the potential for a "blow-out" with the exact same terms. This document was created by a contractor working for the EPA called Environmental Restoration.

Earlier in August, a spill of some 3 million gallons of contaminated mine waste flooded into Cement Creek and eventually made its way into the Animas River, turning the waterway a bright yellow-orange color. The leak was caused when an EPA contractor conducting an investigation tried to excavate the mine's entrance.

The toxic sludge contains arsenic, cadmium, copper, beryllium, iron, lead, mercury, and zinc. Measurements taken in the spill's aftermath showed that recorded levels of lead alone were 12,000 times higher than normal. Five water supply systems were hit by the spill, as well as waterways in New Mexico and Utah. In addition to Cement Creek and the Animas River, the San Juan and the Colorado Rivers were also affected.

The newly released documents also detail some of the steps outlined by the EPA that environmental workers were to take to reduce the risk of a blow-out at the mine, including rerouting contaminated water to another treatment site and building water management systems. However, there has been no confirmation as to whether these steps had been taken by the time of the spill.

The EPA had also called for the creation of a holding pond where contaminants could be treated, but this had not been finished at the time of the incident.

Colorado Attorney General Cynthia Coffman welcomed the release of the documents, but added that more details were needed, specifically regarding what the EPA had done once it had identified the risk of a blow-out.

"When we see the EPA was aware of potential danger ... the next question is with that awareness did they take appropriate caution," she said, according to the Denver Post.

The EPA has already been blasted for lack of transparency regarding the incident. One of the released documents details the cost estimate for environmental restoration, but all the numbers were redacted. The EPA has spent $3.7 million on cleanup efforts since the spill, the Colorado Springs Gazette reported.

Investigations into the incident are also underway: one being conducted by the EPA's inspector general and another by the Department of the Interior. Congressional hearings are also slated to begin concerning the environmental calamity in September.

Colorado Governor John Hickenlooper declared a state of disaster emergency following the spill in order to expedite the state's response. The Navajo Nation also declared an emergency, as its water systems were also severely affected by the waste.

About 600 gallons of waste per minute were still pouring out of the mine as of last week, the Denver Post reported. Sediment ponds have already been dug by the EPA and a water treatment machine is set to be operational at the site by winter.

**Vail Daily (CO)**

http://www.vaildaily.com/news/17813581-113/sen-bennet-talks-water-and-mine-clean-up-in

**Sen. Bennet talks water and mine clean-up in Vail**

Brent Gardner-Smith

Aspen Journalism

8/24/15

VAIL — Speaking at the Colorado Water Congress' summer meeting in Vail this week, U.S. Senator Michael Bennet said it would take an "all-of-the-above" strategy to meet Colorado's future water needs.

"The bottom line for me is that we've got to look at water a little bit like we look at energy in Colorado," said Bennet, a Democrat who was elected in 2010. "We need an all-of-the-above strategy that includes storage and conservation and efficiency. The reality is that we will need to make the best use of the water we have for the rest of our lifetimes."

The need for additional water storage facilities — new dams and reservoirs — is a consistent message heard at the Water Congress meeting and at water-supply planning meetings around the state.

Bennet acknowledged the time and effort that many attendees at the event have spent developing a statewide water plan, which is being prepared by regional "roundtables" and the Colorado Water Conservation Board.

The final plan will be submitted to Gov. Hickenlooper in December and comments on the second

draft are due Sept. 17.

"I know that a lot of you here already have contributed many hours, days and even years, and even, really, lifetimes to the effort," Bennet said. "The water community, the environmental groups, utilities, local governments and agricultural users have all been involved in the drafting of that plan."

He added, "Whatever comes out in the final plan, it's clear that action will be necessary to address the challenges that Colorado will face in the coming decades."

In his opening remarks, Bennet was highly critical of the gridlocked nature of the U.S. Congress and said he's tried very hard not to spend "one second over the last six years contributing to the dysfunction that's there," but instead has worked to find "bipartisan solutions to real challenges that we have."

He spoke of a week-long tour of the wheat fields of eastern Colorado that he took recently with Republican U.S. Senator Cory Gardner, of Colorado, and how the two of them also agreed to travel to Durango together in the wake of the Gold King Mine spill that discolored the Animas River on Aug. 5.

"It is fun, people see a Democrat and a Republican working together, and they wish they were seeing that in D.C." Bennet said.

In response to a question, Bennet said he was exploring a Colorado-only version of Good Samaritan legislation, which would shield individuals and organizations that want to work to clean up old hard-rock mines from inheriting the full liability for the mine.

"If we could figure out a way to develop some sort of pilot legislation — we've been talking to Congressman Tipton's office about that — that would allow us to do what needs to be done in our state, that would be a good step forward," Bennet said, noting there are "thousands" of old mines in Colorado that need to be cleaned up. "Being stuck in this stasis of not being able to address it guarantees exactly what happened the other day. I don't think we ought to have our

state have to confront something like this again."

**Washington Times**

http://www.washingtontimes.com/news/2015/aug/24/lamar-smith-wants-colorado-mine-epa-contractor-tes/

**EPA contractor called to testify on Colorado river spill**

Panel chairman unhappy with agency's Friday night document dump

By Valerie Richardson

Monday, August 24, 2015

The chairman of the House Science, Space and Technology Committee wants to hear from the EPA contractor on the Gold King Mine spill after learning that the agency knew about the risk of a blowout in advance.

Rep. Lamar Smith, Texas Republican, said Monday that he has asked the head of Environmental Restoration LLC to testify at the Sept. 9 hearing on the Colorado mine accident, which flooded the Animas and San Juan rivers with orange wastewater.

The chairman also has called on Environmental Protection Agency Administrator Gina McCarthy to testify before the committee.

"Both parties should be prepared to be more forthcoming with Congress than EPA has been up to this point," Mr. Smith said in a statement.

"Releasing key pieces of information in the dead of night on a Friday is not exactly the model of transparency," he said. "The public deserves to know why the EPA ignored the contractor's concerns and forged ahead with this project."

The EPA released a cache of documents late Friday in response to media requests that included a June 2014 work order showing that the agency had been warned about the risk of a blowout from the inactive mine near Silverton, Colorado.

EPA spokesman David Gray said in an email, "EPA will continue to make data and information publicly available as quickly as possible."

He added that information was available at EPA.gov/goldkingmine and a community hotline was operating at 844/607-9700.

An EPA-led crew triggered the Aug. 5 accident, sending 3 million gallons of wastewater from Cement Creek into the Animas River and through the town of Durango, Colorado, before spreading to the San Juan River and the Navajo Nation.

Navajo Nation President Russell Begaye said in a statement Monday that he still has not approved water from the river for farming and irrigation. He said he will wait at least until the Navajo Nation EPA finishes its testing this week.

He said five of seven San Juan River area chapter officers at an Aug. 20 meeting opposed reopening the river for irrigation.

"I am furious that the U.S. EPA has placed the Navajo Nation into this position. Our farms will not last much longer without water and our resources are depleting," Mr. Begaye said.

**From:** Bressler, Lindsey

**Sent:** Monday, August 24, 2015 3:47 PM
**Subject:** RE: CO Mine Spill Clips - 8/24

**Wall Street Journal**

http://blogs.wsj.com/riskandcompliance/2015/08/24/crisis-of-the-week-epas-toxic-mine-spill-response-scrutinized/

**Crisis of the Week: EPA's Toxic Mine Spill Response Scrutinized**

By BEN DIPIETRO

2:39 pm ET Aug 24, 2015

Water flows through a series of sediment retention ponds built to reduce heavy metal and chemical contaminants from the Gold King Mine wastewater accident outside Silverton, Colo. Associated Press

This week the crisis entails how the U.S. Environmental Protection Agency and a contractor have responded to the spill of toxic chemicals from a mine in Colorado. The toxic wastewater released during a cleanup of the Gold King Mine sent chemicals into the Animas River, turning its waters a mustard color.

While EPA Administrator Gina McCarthy apologized for the mishap, the agency's response was criticized for being slow and lacking in details. A Missouri-based contractor, Environmental Restoration, was identified as the company that was handling the cleanup at the time the toxic sludge was released into the river.

The company issued a statement saying it couldn't provide any information because it signed a confidentiality agreement with EPA. Ms. McCarthy said the EPA takes full responsibility for the incident, is conducting an internal investigation and will commission an independent review to find out what happened. As one EPA official said: "We typically respond to emergencies; we

don't cause them."

Looking at the statements of the agency and its top officials, and at the statement from the contractor, the crisis experts were asked to point out what was done properly in terms of crisis response, where the ball was dropped and what needs to be done next as this issue plays out.

Anthony Johndrow, co-founder and CEO, Reputation Economy Advisors: "In evaluating the EPA's response to the Colorado spill, this quote from Dave Ostrander, EPA regional director of emergency preparedness–'We typically respond to emergencies; we don't cause them'–pretty much says it all. The EPA clearly lacks any self-imposed crisis response capability–or training, or experience–as evidenced by this quote, the slow speed of the response and the delays in escalation and coordination with affected communities.

"It would be shocking for a big company to fumble something this badly–imagine if a CEO, several days after a major environmental tragedy, said 'I don't have a complete understanding of anything that went on in there,' as Ms. McCarthy did in response to lawmaker criticism. In fact, I wonder what would have happened if a private company were responsible? Actually, I imagine Ms. McCarthy would be criticizing them in excruciating detail. Instead, she leads with vague apologies, no sense of urgency and a gag order on the contractor involved.

"Even with that confidentiality agreement, Environmental Restoration had a choice. If the lack of information resulting from their silence ends up harming people, the choice to adhere to that agreement will be seen as inexcusable."

Vincent Schiavone, founder and CEO, Akuda Labs and Listen Logic: "This crisis is an unfortunate example of lack of preparation and practice, inadequate immediate communication response and poor coordination during an unfortunate accident that threatened the public health of many people and impacted many downstream stakeholders. While rare accidents such as Gold Mine are predictable and the EPA and their contractors should have been more prepared and should have practiced crisis response and communication for a predictable event with known downstream impact. The apology by EPA Administrator Gina McCarthy was necessary because of lack of timeliness of notification, information and action.

"The number one task for this type of crisis is immediate notification of all who might be

adversely affected by the consequences. The articles and complaints from numerous state and local authorities, press and consumer groups indicates there was no immediate alarm sounded. A plan should have been in place to immediately notify state and local authorities, digital and traditional press, as well as consumers directly through digital and social media. Twitter and other digital channels effective offer real-time means to alert many stakeholders, including press and consumers, directly.

"Both the EPA and the contractor, Environmental Response, should have been prepared with statements that an accident has occurred, as well as a backgrounder on the risks of environmental remediation work, the safeguards in place to prevent accidents from happening and the processes in place to respond when accidents occur. The statement issued by Environmental Response that it cannot comment due to confidentiality agreements was a very poor crisis communication response and not satisfactory to any stakeholders. The contractor should have been prepared, with EPA coordination, to issue a statement that acknowledged an accident has occurred; that immediate notification was issued; and that immediate damage mitigation procedures were initiated.

"The EPA should adopt the National Transportation Safety Board incident response, investigation and communication model. The NTSB has teams ready to respond to transportation accidents. The NTSB is prepared and well-practiced with immediately securing an accident site, preventing further damage and risk to public safety, and coordinating with state and local agencies and companies involved on response and communication. They hold immediate and frequent press updates and their final reports include recommendations and often requirements for technology and procedural changes to prevent or reduce the risk of similar accidents from happening in the future."

**From:** Bressler, Lindsey
**Sent:** Monday, August 24, 2015 2:13 PM
**Subject:** RE: CO Mine Spill Clips - 8/24

**Colorado Independent (CO)**

http://www.coloradoindependent.com/155003/cynthia-coffmans-private-meeting-invitation-irks-sw-colorado-public-officials

**Cynthia Coffman's private-meeting invitation irks SW Colorado public officials**

Durango Mayor: "Talk about awkward – being asked by the attorney general herself to violate the law."

Susan Greene

August 24, 2015

Cynthia Coffman's private-meeting invitation irks SW Colorado public officials

At the peak of the Animas River crisis, Cynthia Coffman reached out to the Durango City Council and La Plata County Commission and invited each member to dinner. But several of her would-be guests didn't appreciate what the state Attorney General planned to serve up.

Some are blasting Coffman for ignoring Colorado's open meetings law. As the state's top law enforcement official, they say, she should have known better than to try to gather them together in a closed meeting.

"Talk about awkward – being asked by the attorney general herself to violate the law," Mayor Dean Brookie told The Colorado Independent. "We were all pretty taken aback that she would have created that situation."

Others were irritated by what they saw as Coffman's attempt to exploit the disaster playing out in the river that is their community's lifeblood. Coffman's dinner meeting — which she cancelled because of a travel delay — was meant to rally local support for a politically motivated lawsuit against the Environmental Protection Agency for accidentally releasing toxic orange mine waste into the Animas.

"It started to appear very likely that this was going to be a political step rather than a stateswoman-like step by the Attorney General," Durango Councilman Dick White said of the

dinner meeting. "There's a suspicion that she was playing politics at a time when nobody needed her coming down to play politics in the middle of our local emergency.

"Partisan politics had no place in this situation."

Coffman refused comment about the criticisms, which mark the latest in a string of controversies about her using the state's massive Department of Law as a Republican and anti-Obama bully pulpit.

"We don't have a comment about a meeting that didn't happen," said her spokesman, Roger Hudson.

The dinner meeting had been planned at Durango's Palace Restaurant for the evening of Tuesday, August 11 – just after Gov. John Hickenlooper had toured the river and the city council held a special session declaring a local emergency. Coffman had to cancel because a tornado warning in Denver delayed her flight.

Even if she had made it on time, local politicos say she would have been dining alone. After most members of the city council and county commission agreed to her last-minute invitation, they say they soon realized their colleagues also were planning to attend. More than two members of the five-member city council and more than one member of the three-member county commission gathering to discuss official business would have violated the open meetings law, which is designed to ensure governing boards' openness and transparency.

"I would expect the Attorney General to know the requirements of the open meetings law. Her request to try to unofficially assemble city council members would be careless at best," said Peg Perl, senior counsel for Colorado Ethics Watch, a group promoting government ethics and accountability throughout the state.

"The Attorney General is supposed to represent all the citizens of Colorado. We would hope that she would be mindful of the public's access to government transparency."

Julie Westendorff, a county commissioner, gives Coffman the benefit of the doubt.

"I don't know what her familiarity is with open meetings rules in respect to local government. I just look at it as probably an oversight rather than some sort of failure," she said.

Several commissioners and council members told The Independent they accepted Coffman's dinner invitation out of respect for her office and hope that she could help when they needed it most.

"You have a high elected official coming down during a local emergency, so my initial response was 'Sure, I'll go'," Councilman White said.

"We assumed at first she was there to see if we needed her assistance," added Mayor Brookie. "We would have really appreciated it if she had reached out to see what we needed like Gov. Hickenlooper did."

But the locals soon realized that Coffman was scrambling in-state and with neighboring states' attorneys general to drum up support for a lawsuit against the Obama administration. Some equated her work around the disaster with GOP presidential contender Ben Carson's campaign stop in Durango to try to make political hay out of the spill.

Coffman didn't try to reschedule her meeting with council members and commissioners when it became clear from news reports and other channels that, regardless of their political affiliation, they were more interested in collaboration than litigation.

"We need to partner with the EPA, not sue them, to change the course of our mining legacy in the Animas River watershed," Brookie said.

"We realized pretty quickly this was just an attempt at political maneuvering by the Attorney General and that there was no reason to meet with her because we had real work to do."

**TownHall.com**

http://townhall.com/tipsheet/mattvespa/2015/08/24/the-epa-knew-the-blowout-risks-for-colorado-mine-spill-n2042796

# The EPA Knew The 'Blowout' Risks For Colorado Mine Spill

Matt Vespa | Aug 24, 2015

The Environmental Protection Agency is responsible for releasing over three million gallons of contaminated water from the long-abandoned Gold King Mine into the Animas River, thanks to a botched cleanup assignment conducted by one of their own teams. Colorado, New Mexico and parts of Utah have been affected, with those infamous photos showing orange water flowing down stream. This deluge of toxic water has also placed the Navajo Reservation in the cross hairs. The cost of this fiasco truly is a guessing game, ranging from $338 million and $27 billion. Yet, the Associated Press reported over the weekend that the EPA knew about the risks concerning the Gold King Mine cleanup. And, yes, most of the documents were "redacted":

U.S. officials knew of the potential for a catastrophic "blowout" of poisonous wastewater from an inactive gold mine, yet appeared to have only a cursory plan to deal with such an event when a government cleanup team triggered a 3-million-gallon spill, according to internal documents released by the Environmental Protection Agency.

The EPA released the documents late Friday following weeks of prodding from The Associated Press and other media organizations. While shedding some light on the circumstances surrounding the accident, the newly disclosed information also raises more questions about whether enough was done to prevent it.

The Aug. 5 spill came as workers excavated the entrance to the idled Gold King Mine near Silverton, Colorado, unleashing a torrent of toxic water that fouled rivers in three states.

A June 2014 work order for a planned cleanup noted the mine had not been accessible since 1995, when the entrance partially collapsed.

"This condition has likely caused impounding of water behind the collapse," the report said. "Conditions may exist that could result in a blowout of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine."

A May 2015 action plan produced by an EPA contractor, Environmental Restoration LLC, also noted the potential for a blowout.

The May plan also called for a pond that would be used to manage the mine water and prevent contaminants from entering waterways. That pond was not completed.

EPA spokesman David Gray said the document outlined steps that should have been followed but it would be up to pending investigations to decide if the pond should have been in place before the work started.

Much of the documents were redacted. Among the items blacked out was a line specifying whether workers were required to have phones that could work at the remote site, at an elevation of 11,000 feet.

**From:** Bressler, Lindsey
**Sent:** Monday, August 24, 2015 10:44 AM
**Subject:** CO Mine Spill Clips - 8/24

**Albuquerque Journal (NM)**

http://www.abqjournal.com/632537/opinion/colorado-mine-spill-at-least-spared-aquifer.html

**Colorado mine spill at least spared aquifer**

By George Veni / Executive Director, National Cave and Karst Research Institute

PUBLISHED: Sunday, August 23, 2015 at 12:02 am

Catastrophe struck. Three million gallons of toxic brew spewed from the Gold King Mine into Cement Creek on August 5th.

Seven miles downstream, it flowed through Colorado's scenic town of Silverton and joined the Animas River. It soon crossed nearly 30 miles of the San Juan National Forest before entering New Mexico.

The brew entered about 30 miles of agriculturally rich river floodplain until the Animas flowed into the San Juan River at Farmington. It then turned northwest through another 37 miles of productive bottomland that almost reaches Utah.

Another 70 miles downstream, the flow entered Glen Canyon National Recreational Area, then 70 miles further joined the Colorado River at the upper end of Lake Powell.

Early reports suggest the lake will dilute the pollutants to safe levels. Let's be optimistic and hope so.

Damage has already occurred to drinking water supplies, agriculture, and wildlife that could take years to repair. And we should be thankful for our good luck.

Despite the growing list of damages, the spill could have been a lot worse in a different location.

Most of its course was along a gaining stream, where groundwater flows into the rivers from aquifers, keeping the toxic mix mostly on the surface. Some localized areas of groundwater may be affected, but so far no major aquifers appear impacted.

Cleaning surface water is relatively cheap and easy compared to cleaning aquifers. If the spill entered a karst aquifer, the consequences would have been especially bad.

Caves are the natural pipelines that transmit groundwater in karst. Twenty-five percent of the U.S. is karst, a landscape that contains the most hydrologically complex, productive, yet most vulnerable aquifers on Earth.

Worldwide, groundwater flows through caves at an average rate of 1 mile/day. Natural filtration is effectively non-existent, especially for the types of poisonous chemical and metals associated with mines.

The convoluted paths of karst aquifers and the destinations for their flows are often poorly understood and unmapped. Many of the "rules" governing other aquifers don't apply to karst.

The Gold King miners didn't know much about karst, aquifers or the potential environmental consequences of their work when they started digging in 1887.

If the preliminary reports I've read hold true, the mine's location was lucky in regard to aquifers, and very lucky to avoid major karst aquifers. But what about the location of other mines?

The U.S. Environmental Protection Agency has 1,372 sites proposed or listed on the National Priorities List (often called "Superfund") for their "known releases or threatened releases of hazardous substances." They are scattered around the country. Many are mines. Many occur in karst and other highly sensitive locations. The Gold King Mine was not on that list.

EPA has not yet released a clean-up cost estimate, which will undoubtedly cost millions.

For several years, federal and state environmental offices around the country have been challenged to do as much or more work to protect public health but with less money. Such an administrative environment spawns oversights and blunders.

No one wants the bad publicity of a Superfund or other toxic clean-up site in their backyard. The cost is certainly unwelcome. But the human, environmental, and economic cost of a release like from the Gold King Mine is far higher and abhorrent.

The Gold King spill was terrible. My heart goes out to everyone it hurts. Yet we were lucky that such a spill didn't happen where it could do more and longer-lasting harm.

Let's not rely on luck. Let us support legislation and funding to clean up our toxic legacy from past generations and protect our environment from future, avoidable, disasters.

The National Cave and Karst Research Institute is based in Carlsbad.

**Associated Press (via KTVN News)**

http://www.ktvn.com/story/29859995/epa-knew-possibility-of-wastewater-spill-in-animas-river

**EPA Knew Possibility of Wastewater Spill in Animas River**

Posted: Aug 23, 2015 12:15 PM EDT

By MICHAEL BIESECKER and MATTHEW BROWN

Associated Press

WASHINGTON (AP) - U.S. officials knew of the potential for a catastrophic "blowout" of poisonous wastewater from an inactive gold mine, yet appeared to have only a cursory plan to

deal with such an event when a government cleanup team triggered a 3-million-gallon spill, according to internal documents released by the Environmental Protection Agency.

The EPA released the documents late Friday following weeks of prodding from The Associated Press and other media organizations. While shedding some light on the circumstances surrounding the accident, the newly disclosed information also raises more questions about whether enough was done to prevent it.

The Aug. 5 spill came as workers excavated the entrance to the idled Gold King Mine near Silverton, Colorado, unleashing a torrent of toxic water that fouled rivers in three states.

A June 2014 work order for a planned cleanup noted the mine had not been accessible since 1995, when the entrance partially collapsed.

"This condition has likely caused impounding of water behind the collapse," the report said. "Conditions may exist that could result in a blowout of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine."

A May 2015 action plan produced by an EPA contractor, Environmental Restoration LLC, also noted the potential for a blowout.

The May plan also called for a pond that would be used to manage the mine water and prevent contaminants from entering waterways. That pond was not completed.

EPA spokesman David Gray said the document outlined steps that should have been followed but it would be up to pending investigations to decide if the pond should have been in place before the work started.

Much of the documents were redacted. Among the items blacked out was a line specifying whether workers were required to have phones that could work at the remote site, at an elevation

of 11,000 feet.

A 71-page safety plan for the site included only a few lines describing what to do if there was a spill: Locate the source and stop the flow, begin containment and recovery of the spilled materials, and alert downstream drinking water systems as needed.

Colorado Attorney General Cynthia Coffman said after reviewing the documents that she remained frustrated with the EPA's lack of answers.

"The plan indicates there was an understanding of what might happen and what the potential consequences were. We don't know whether they followed the plan," Coffman told The Associated Press. "I want to give the EPA the benefit of the doubt here. I really want to do that. It's getting harder."

The wastewater flowed into a tributary of the Animas and San Juan rivers, turning them a sickly yellow-orange color and tainting them with lead, arsenic, thallium and other heavy metals that can cause health problems and harm aquatic life. The toxic plume traveled roughly 300 miles through Colorado, New Mexico and Utah, to Lake Powell on the Arizona-Utah border.

EPA water testing has shown contamination levels returning to pre-spill levels, though experts warn some of the contaminants likely sunk and mixed with bottom sediments and could someday be stirred back up.

The documents released at about 10:30 p.m. EDT Friday did not account for what happened immediately before or after the spill.

Elected officials have been critical of the EPA's response. Among the unanswered questions is why it took the agency nearly a day to inform downstream communities that rely on the rivers for drinking water.

Coffman criticized the "late Friday night document dump" and said the redaction of key facts would heighten public suspicions. She also indicated that it undercut EPA Administrator Gina McCarthy's statements accepting responsibility.

EPA spokeswoman Melissa Harrison said the agency has been inundated with media inquiries and worked diligently to respond to them. All information must go through a legal review, she added.

"I do not want people to think we put something out late at night to hide something," she said.

U.S. Rep. Lamar Smith, a Texas Republican who chairs the House Science Committee, said the EPA "has an obligation to be more forthcoming." He called for McCarthy to appear before his committee next month.

U.S. Sen. Cory Gardner, R-Colo., said it was unacceptable that the EPA did not prevent the accident when it knew of the massive quantities of contaminated water inside the mine.

Environmental Restoration has confirmed its employees were present at the mine when the spill occurred but declined to provide more detail, saying that would violate "confidentiality obligations."

The St. Louis, Missouri, company bills itself as the EPA's prime contractor for emergency services across most of the U.S.

The EPA has not yet provided a copy of its contract with the company. On a March 2015 cost estimate for Gold King, the agency blacked out all the dollar figures.

The emergency response to the spill has cost the EPA at least $3.7 million so far, according to the agency.

Toxic water continues to flow out of the mine. Since the accident, the EPA has built a series of ponds so contaminated sediments can settle out before the water enters a nearby creek.

The agency said more needs to be done and the potential remains for another blowout.

—

Brown reported from Billings, Montana.

**Associated Press (via KJZZ Radio, AZ)**

http://kjzz.org/content/181334/navajo-nation-president-eyes-lifting-advisory-san-juan-river-water

**Navajo Nation President Eyes Lifting Advisory On San Juan River Water**

By Associated Press

Aug. 21, 2015

FLAGSTAFF, Ariz. — The quality of San Juan River water on the Navajo Nation has returned to what it was before a spill at a Colorado gold mine sent toxic sludge into the waterway, federal and tribal officials said Thursday.

The testing by the U.S. Environmental Protection Agency along with that of the Navajo EPA prompted tribal President Russell Begaye to consider lifting an advisory against using the river to water crops. No decision had been made as of Thursday evening.

Begaye has said he would not advise hundreds of farmers on the Navajo Nation to do so until the tribe's own Environmental Protection Agency determined the river water is safe. Officials from the tribe's EPA told a crowd at a meeting Thursday in Shiprock, New Mexico, that the water meets tribal standards for irrigation but did not disclose any specific results, citing a possible lawsuit against the federal government.

The U.S. Environmental Protection Agency said testing of surface water collected over a week in Hogback, New Mexico, showed water quality at the same levels as those measured before the mine waste reached the reservation. The agency has taken full responsibility for the Aug. 5 spill at the Gold King Mine.

Begaye and other tribal officials talked with farmers Thursday about flushing irrigation canals and possibly opening them up this weekend. The U.S. EPA said it will provide technical assistance.

Hundreds of Navajos farm along the San Juan River grow squash, melons, corn and other crops to sustain their families and to sell at roadside stands and a tribal fair in October in Shiprock.

After the spill, federal agencies, including the EPA and the U.S. Bureau of Indian Affairs, arranged for water to be hauled to tribal communities and hay to be delivered for livestock.

Not all the water has been welcomed.

Shiprock farm board member Joe Ben Jr. complained that water coming from tanks delivered by an EPA contractor contained oil and didn't smell right.

Begaye and Navajo Attorney General Ethel Branch went to Shiprock to look at the tanks a day after farmers voted to reject the water. Branch and Begaye placed their hands inside the area where hoses hook up to the tanks, and their hands came out partially black, according to a video the president's office posted on its Facebook page.

"That is clearly oil," Branch said. "We don't trust the EPA to be here. They need to get out of our nation, send the dollars directly here. Let us take care of these issues ourselves because we care about the health and welfare of our people."

Tribal spokesman Mihio Manus said tribal officials were testing the water from three of the tanks that were being held by tribal police.

The EPA said it would provide an alternate water source from within the reservation but didn't directly address questions regarding the holding tanks. One EPA contractor, Triple S Trucking, said the tanks were cleaned before being delivered to the reservation.

EPA Administrator Gina McCarthy and Begaye spoke Wednesday about water quality in the river and agreed to have EPA cease water deliveries Friday for agricultural use on the reservation, the EPA and Manus said. The agency said it would work with the Navajo Nation on a monitoring plan for the river.

Navajo Nation Council Delegate Amber Crotty and Ben said they are concerned about reintroducing San Juan River to the irrigation canals without knowing more about the impact to the soil. Crotty said farmers already are having trouble selling crops from the area.

Said Ben: "The testing that was done was surface testing, no subsurface testing, also sediment testing. And never any information about the long-term and short-term effects of these toxins in our water."

Messages left with farm board members in Hogback and Cudeii, two other tribal communities where farmers rely on river water, weren't immediately returned.

New Mexico environment officials said Thursday they are planning another water-testing fair for residents next week and the results from previous tests have been mailed to about 570 private

well owners.

Those tests didn't focus on heavy metals, but officials said the results of more extensive testing of more than 100 wells in the Animas valley will be released by the EPA in the coming weeks.

**CNN (via WLWT News)**

http://www.wlwt.com/national/epa-aware-of-blowout-risk-for-toxic-water-at-mine/34863542

**EPA aware of 'blowout' risk for toxic water at mine**

By Mary Kay Mallonee CNN

UPDATED 6:00 PM EDT Aug 22, 2015

(CNN) —Newly released internal documents from the Environmental Protection Agency show government contractors warned EPA managers about the potential for a "blowout" at an abandoned mine in Colorado well before millions of gallons of wastewater polluted rivers in three states.

The documents show the EPA was aware of the "endangerment to human health and the environment" for more than a year before an accidental spill of more than 3 million gallons of wastewater at the Gold King Mine on August 5 that ran into rivers in Colorado, Utah and New Mexico.

In a June 2014 work order, the contractor, Environmental Restoration, warned the EPA that conditions at the abandoned mine "could result in a blowout" of wastewater containing toxic heavy metals such as manganese, copper, zinc and cadmium.

The newly released documents show the contractor again warned the EPA of the dangers in May

2015.

EPA officials released the documents at 10:30 p.m. ET Friday after multiple news agencies spent weeks pushing them to release the reports.

The EPA has admitted the toxic spill -- which temporarily turned the Animas River a shade of yellow-orange -- occurred when one of its teams was using heavy equipment to enter the mine. Instead of beginning the process of pumping and treating the contaminated water inside the mine as planned, the team accidentally caused it to flow into the nearby Animas River.

The mine wastewater polluted the river and other waterways with extremely high levels of lead, arsenic, cadmium, beryllium and mercury.

There are multiple ongoing investigations into how the EPA allowed the blowout to happen.

Poisons such as lead were detected in the Animas River, part of the Colorado River system. EPA officials say recent water testing shows contamination levels have fallen back down to prespill levels. However, some experts say the heavy metals have simply sunk to the bottom of the affected waterways and will likely get stirred back up again.

The EPA has been the source of frustration for many local and state leaders who say the agency didn't act fast enough to alert people about the spill. Attorneys general in New Mexico, Utah and Colorado have suggested they may individually or collectively sue the federal government.

**Daily Times (NM)**

http://www.daily-times.com/ci_28684085

**Shiprock Chapter opposes irrigation activities**

Tribe's irrigation system was turned off as a result of mine spill

By Noel Lyn Smith The Daily Times

UPDATED: 08/21/2015 10:10:29 PM MDT

FARMINGTON — The Shiprock Chapter will submit a resolution to the tribal president that opposes resuming the operation of the tribe's irrigation system that delivers San Juan River water to farms within the chapter boundary.

Navajo Nation officials issued restrictions for using river water for irrigation, livestock and recreational activities after toxic metals flowed into the river earlier this month from the Gold King Mine north of Silverton, Colo.

Chapter members voted in favor of the resolution 104-0 with 11 members abstaining during a special meeting Friday, chapter President Duane "Chili" Yazzie said.

The chapter's action came a day after Navajo Nation President Russell Begaye listened to comments and concerns about resuming irrigation activities during a public meeting in Shiprock.

During Thursday's meeting, the Navajo Nation Environmental Protection Agency reported the river water is safe for irrigation.

Mihio Manus, the president's spokesman, said on Friday the president had not issued a decision about whether to resume irrigation.

Yazzie said chapter members approved a second resolution requesting that an alternative water source be piped from Navajo Agricultural Products Industry headquarters to the Hogback

Irrigation System. That resolution passed by a vote of 84-0 with two members abstaining.

Yazzie said the pipeline project was also mentioned in a meeting at the incident command center, which was established inside the Shiprock Chapter house after the spill. Bureau of Indian Affairs Navajo Region Director Sharon Pinto said the project is under evaluation.

"Our resolution was basically to formalize our request," Yazzie said.

Both Yazzie and Manus said Begaye attended the chapter meeting.

"He saw which way the people went. He knows Shiprock's sentiment," Yazzie said.

Begaye joined Navajo Nation Council Speaker LoRenzo Bates and council delegates in two traditional ceremonies this week at the Gold King Mine and along the Animas River in a location north of Silverton. The ceremonies were conducted at the request of the Navajo people and were designed to restore balance to the river, Bates said in a telephone interview Friday.

He added Silverton officials were grateful and welcomed the officials and the ceremonies.

Council Delegate Otto Tso said in a statement the Navajo people are worried about their crops, livestock and land, in addition to their way of life.

"The river had provided abundance of life for our people and to the animal life along the water ways that run through the Navajo Nation," he wrote.

Tso, who represents the Tó Nanees Dizí Chapter in Arizona, stated the Navajo chanters believe offerings were needed in order to restore the people and their way of life.

"Now that our chanters have concluded with the ceremonies, we need to move forward and work with all people, all agencies, to get beyond this situation. We ask that our people throughout the Navajo Nation, to have reverence for our offerings that has been conducted for our water," Tso wrote.

**Denver Post (CO)**

http://www.denverpost.com/news/ci_28690510/epa-animas-river-surface-water-returning-pre-spill

**EPA: Animas River surface water returning to pre-spill conditions**

The EPA said water samples collected last week indicate that the Animas River surface water is returning to pre-spill conditions

By Elizabeth Hernandez

POSTED: 08/23/2015 06:59:40 PM

Environmental Protection Agency officials released new data Sunday that they said indicates surface water concentrations from the Animas River are returning to their normal conditions.

Water samples collected by the EPA on Aug. 16 and 17 have been validated, the agency said. An agency review of the data included a comparison to screening levels for exposure during recreational river use to see if the metal concentrations in the water are consistent with levels prior to the disastrous 3 million-gallon spill that inundated the river in early August.

"Based on the results of the surface water samples in the Animas River, surface water concentrations are trending toward pre-event conditions," the EPA said Sunday.

Residents affected by the incident remain wary of the EPA in the wake of the spill. Silverton and the Navajo Nation have expressed concern with the agency.

Experts point out that metals lining the riverbed could continue to cause long-term effects for agriculture, aquatic life and other life-forms along the Animas River.

Documents released by the EPA late Friday showed that the agency knew the Gold King mine was at risk for blowout more than a year before wastewater spilled from the mine above Silverton on Aug. 5.

**Denver Post (CO)**

http://blogs.denverpost.com/eletters/2015/08/22/responding-to-the-toxic-spill-in-the-animas-river-3-letters/38892/

**Responding to the toxic spill in the Animas River (3 letters)**

August 22, 2015, 5:00 pm

By DP Opinion The Denver Post DP Opinion

Blaming the accidental spill at the Gold King Mine on the Environmental Protection Agency is like saying it's the fireman's fault for not saving a home during a forest fire.

The EPA works in dangerous conditions every day and with possible exposure to the very toxins they are removing from the polluted water entering our rivers. Unfortunately they cannot always be successful when they are trying to save an area from an inevitable disaster.

Before blaming the EPA, why don't you ask how many successful clean-ups have been completed over the past 25 years? The EPA goes into these situations with the best intentions for a successful outcome.

Those with potential to improve/resolve this situation should take a moment to support those individuals who put their lives on the line to help keep our water, environment and communities safe from any source of pollution.

Genevieve Spangler, Littleton

This letter was published in the Aug. 23 edition.

Coverage of the Gold King Mine spill reveals that the U.S. has about 500,000 abandoned mines, and very few of them have been targeted with cleanup efforts that will cost many billions of dollars. It turns out that it has been common practice by the industry to abandon mines when metals prices fall, and that these neglected mine sites are a great threat to rivers and drinking water.

The biggest takeaway is that our nation's ecological deficit is every bit as big as its fiscal one.

Terry Hansen, Oak Creek, Wisc.

This letter was published in the Aug. 23 edition.

After looking at pictures of a yellow river caused by a spill, why do I think that Christo is sitting somewhere having an artistic brainstorm?

L. Hunley, Grand Junction

This letter was published in the Aug. 23 edition.

As we think about the plight of the Navajo farmers facing toxic waters downstream from the Gold King Mine, we must not forget that the bitter pill they must swallow ultimately came not from the Environmental Protection Agency's contractor, but our mining society 150 years ago where wealth ("gold") was king, and many early Coloradans were thoughtless about what would happen to people who came after them.

What happens 150 years after our time? We face real choices. What we do to our environment, what we do with our Earth's climate, will have serious consequences to those who come after us. Our continued choice to do little about greenhouse gases will likely cause serious hardships for those who come after us, as Navajo farmers now reap the thoughtlessness of our ancestors.

Ken Gerdes, Denver

This letter was published in the Aug. 24 edition.

**Denver Post (CO)**

http://www.denverpost.com/news/ci_28685398/gold-king-mine-epa-was-told-danger-blowout

**Gold King Mine: EPA was told of blowout danger in June 2014**

By Jesse Paul

POSTED: 08/22/2015 09:51:28 AM MDT40 COMMENTS| UPDATED: A DAY AGO

The Environmental Protection Agency says there may still be blockages in the Gold King Mine that could lead to future wastewater surges more than two weeks after 3 million gallons of contaminants were released at the site.

Officials say while the EPA and state responders have "begun efforts" to ensure such plugs do not exist, the work has not been completed.

The news came as 92 pages of internal documents were released by the EPA late Friday showing the agency knew the Gold King was at risk for blowout more than a year before wastewater spilled from the mine above Silverton on Aug. 5.

Animas River pollution

Pete McKay, San Juan County commissioner in Colorado, looks at the site Monday, Aug. 10, 2015, where the Gold King Mine breach occurred, north of Silverton. (Jon Austria, The Daily Times via The Associated Press)

The papers say workers at the site had a list of precautions they were supposed to take to prevent such a disaster. It was unclear Saturday from the documents whether those steps were taken.

"Conditions may exist that could result in a blow-out of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine, which contain concentrated heavy metals," an EPA task order from June 2014 said.

Media outlets and political figures alike have been pushing for weeks to see the documents released on Friday. The agency has come under intense criticism, much of it from politicians throughout the Southwest, for a lack of transparency in the Gold King disaster's wake.

The wastewater release sent yellow-orange sludge cascading into a tributary of the Animas River and prompted emergencies in three states and two American Indian tribes.

The task order, sent to contractor Environmental Restoration LLC, called the mine a "time critical" site and said water could be backed up in the Gold King because of the partial collapse of its portal and blockages within its workings.

The documents show the Gold King's workings had no maintenance since 1991 and that its tunnels had been inaccessible since 1995, when its portal collapsed.

In an action plan dated in May, the EPA contractor slated to work on the mine — Environmental Restoration — said it planned to "de-water" the mine and remove blockages to prevent any blowout danger.

According to the plan, work was to be completed in the summer and fall of 2015, with an official start date of Aug. 17. The EPA said Saturday "work began at the site based on the availability of personnel and equipment, and appropriate weather conditions."

"Collapse blockage material removal will be performed in a controlled manner in (order) to control the rate of release of water and allow for appropriate treatment and sludge management," the EPA work order said.

The documents show the work crew was supposed to remove loose rock from the Gold King's portal bit-by-bit while simultaneously pumping out backed-up wastewater inside the mine. The waste was then to be directed to the adjacent Red and Bonita Mine, lower in elevation, where the EPA and contractors already had set up treatment areas to prevent contaminants from entering the watershed.

The work plan also indicates the crew was to set up structures at the Gold King portal to prevent a blowout, including bedding material and a culvert section. Also as a precaution, the task order instructed the crew to install a gate at the portal that could be locked as part of blowout prevention.

However, EPA supervisor Hays Griswold, who was at the scene of the blowout Aug. 5, told The

Denver Post in an interview this month the plan in place "couldn't have worked." He said conditions in the mine were worse than anticipated.

"Nobody expected (the acid water backed up in the mine) to be that high," he said.

Griswold and his crew were using a backhoe to investigate the area near the Gold King's portal when the blowout happened.

"All that was holding it back was the dirt. The dirt just wasn't going to hold," Griswold said.

The EPA redacted cost estimates for the work from Environmental Restoration's contracts released Friday, covering up figures with a black mark. The agency says the costs were redacted because it is "confidential business information."

Environmental Restoration, in a statement posted on its website Aug. 13, said it stands "behind our project management team and labor force" at the Gold King. The company said because of "contractual confidentiality obligations," it cannot comment on their work at the site or the disaster.

Colorado Attorney General Cynthia Coffman said she read through the documents preliminarily Saturday morning, calling them a "start" that "lays out what should have happened" with work at the Gold King. Now, she says, the question is if the plans were followed.

"It puts a finer point on the fact that we need information about what happened on the fifth and the events leading up to (the spill)," she said. "When we see the EPA was aware of potential danger ... the next question is with that awareness did they take appropriate caution."

Coffman — who said her deputies are reviewing the documents — and her counterparts from New Mexico and Utah have said they are weighing a lawsuit against the EPA. The Navajo Nation says it plans to sue.

The Post visited the Gold King Mine on Wednesday, when wastewater was still flowing from its portal at about 600 gallons per minute. The EPA is treating the sludge below the mine through a series of sediment ponds and says it plans to construct a commercial water treatment apparatus before winter.

The Associated Press reported the agency had spent $3.7 million through Thursday on response efforts in the spill's aftermath.

The EPA's inspector general, the agency's internal watchdog, is investigating the disaster, and the Department of the Interior is conducting an independent review expected to be completed in October.

U.S. Rep. Lamar Smith, R-Texas, who chairs the House Science Space and Technology Committee, in a news release Friday announced a committee request for EPA Administrator Gina McCarthy to testify at a Sept. 9 hearing about the disaster.

"As the agency entrusted by the American people to protect the environment and ensure the nation's waters are clean, the EPA should be held to the highest standard," Smith said in the release. "The Science Committee needs to hear from the EPA about steps it is taking to repair the damage and to prevent this from ever occurring again."

Jesse Paul: 303-954-1733, jpaul@denverpost.com or twitter.com/JesseAPaul

Gold king mine

The Gold King was in and out of operation between 1887 and 1922, during which is shipped 711,144 tons of gold and silver ore, according to the EPA. It is currently held by the Golden-based San Juan Corp. and had a permit for operation until 2005.

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**Durango Herald (CO)**

http://www.durangoherald.com/article/20150823/NEWS01/150829821&source=RSS

**Hickenlooper says no long-term effects from Animas River sampling**

By Tobie Baker

Cortez Journal Article Last Updated: Sunday, August 23, 2015 10:59pm

TOWAOC – A week-and-a-half after drinking water from the Animas River, Gov. John Hickenlooper, during a tour of Ute Mountain Ute land Sunday, pronounced himself in the pink, and he predicted no long-term environmental problems from the Aug. 5 accidental release of heavy-metal contaminated mine runoff.

The Aug. 5 fiasco, originating about 60 miles north of Durango, above Silverton in the Gold King Mine, released about 3 million gallons of heavy-metal contaminated sludge, turning the water of the Animas River orange. Seven days later, Hickenlooper drank from the river, stating, "If that shows that Durango is open for business, I'm happy to help."

"Are you still healthy?" the Cortez Journal asked Sunday.

"Yeah," Hickenlooper replied, joking that Ute Mountain Ute Tribal Chairman Manuel Heart asked if he started glowing after drinking from the Animas.

"I think we might have dodged a bullet," he said about the spill.

The state, he said, would continue to monitor the situation, and the governor predicted no long-term environmental problems as a result of the heavy-metal contaminants. He also praised the Environmental Protection Agency administrator for offering a public apology after an agency-contracted crew caused the spill.

"They have said the people with losses would be made whole," said Hickenlooper. "That's the way the federal government is supposed to work."

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150822/NEWS01/150829852/Sediment-issues-a-big-uncertainty

**Sediment issues a big uncertainty**

Toxicologists dissect EPA's water samples

By Chase Olivarius-Mcallister

Saturday, August 22, 2015 9:06pm

What's in it? How long will it be there? How might it affect our drinking water and our health? These are all concerns for community members, and many experts say we may not know until time goes by and a few spring runoffs continue to wash it downstream.

The EPA says its initial testing on sediment samples taken from the Animas River between Bakers Bridge and North Durango show there is no risk to people from the sediment for recreational purposes. The agency released the results last week.

Many Durango residents who attended a public meeting the EPA held Thursday night asked about the metal levels in the sediment data only to be told that they should ask those same questions to the "experts" in a breakout session. Sediment and water quality was the most crowded breakout session.

At the session, EPA toxicologist Kristen Keteles said she used the maximum level in historical data she could find to show how levels of the different metals compare over the time humans have been measuring them.

"We based our safe-for-recreation numbers on what's needed to protect children and high-exposure users," Keteles said.

But Colorado School of Mines professor and toxicologist Dr. Danny Teitelbaum called the sediment data questionable.

The Durango Herald asked Teitelbaum to review the EPA's post-Gold King Mine sediment data, as well as another data set obtained by the Herald containing EPA sediment testing from samples taken from the Animas River from sites between the Howardsville St. Gage Station – north of Silverton – and Bakers Bridge in 2012, 2013 and 2014.

Teitelbaum said those three-year results frequently showed elevated levels of lead and arsenic – two metals that pose major health concerns.

"There's reason to worry based on that historical data," he said.

But, he said, the EPA has provided so little information about the methodology it used when doing its Aug. 11 sediment sampling that it is impossible even for experts to discern whether there are unsafe levels of lead and arsenic in the sediment near Durango after 3 million gallons of contaminated wastewater from the Gold King Mine pulsed downstream.

"At this point, I don't know whether to trust these results," Teitelbaum said.

Specifically, he said, the EPA has not explained whether the recent sediment samples were extracted from the actual riverbed or the surface of the water.

On Saturday, after two weeks and multiple requests from the Herald, the EPA responded for comment about how the agency gathered and interpreted the sediment data. Agency scientists didn't sample from either the surface of the water or the river channel but from the bank where people might physically come into contact with it.

"EPA has continued to collect sediment samples from the bank where sediment from the event is deposited and accessible to the public," Senior Communications Officer Mark MacIntyre said in an email. "One set of samples is released and is available on the website."

MacIntyre said the EPA is not sampling sediment from the main river channel, but it is sampling river water that would include suspended solids.

Three Region 8 EPA officials who were directly involved with sediment testing in the Animas River from 2012 to 2014 did not respond to phone messages requesting a fuller explanation of what the sediment tests mean, but the EPA did release information showing the average of all sediment tests taken between October 2012 and September 2014, well before the Gold King Mine incident.

Peter Butler, co-coordinator of the Animas River Stakeholders Group, said the Gold King Mine spill is not necessarily responsible for the levels of lead in the Animas River's sediment, pointing to high levels of lead in the sediment lining the bed of the Animas above Silverton and the confluence with Cement Creek beneath Sunnyside Gold Corporation's Mayflower tailings ponds. Those levels are higher than the elevated levels after the spill.

"The levels of lead there are as much as 10 times higher than those found near Durango after the spill," Butler said testing in 2013 and 2014 showed, "and there are some brook trout living there."

Larry Perino, a spokesman for Sunnyside, said in an email Saturday that "all of the former tailings impoundments have been completely reclaimed in accordance with applicable regulations. The source or cause of any elevated results in this segment of the Animas has not yet been determined."

Teitelbaum said it's vital for the EPA to establish, and the public to know, what, exactly, is in the riverbed, because all kinds of organisms feed off of it. "(The sediment) is biologically very active," he said.

Metals are typically inorganic, meaning they are difficult for living organisms to absorb. But when metals get trapped in the layer of sediment lining the riverbed, plants and insects can convert them into organic metals, which are easily absorbed by other plants, animals and humans.

"That's where the real risk lies in the river," Teitelbaum said. "That's persistent material that can get into the fish, plants and even the water supply."

There are no hard and fast standards agreed on by scientists for metal loading in sediment. Teitelbaum said as a general rule, humans, animals, plants and other organisms can tolerate exposure to elevated levels of most metals – for instance, iron – for a short period of time, either by storing them in the body or getting rid of them.

Butler said he questioned whether Teitelbaum can say the levels of the metals are dangerous if there are no agreed-upon standards for metals in sediments. He also wondered how those metals might get into people's bodies, particularly if there's an advisory against eating fish caught in the Animas. Colorado Parks and Wildlife issued the advisory at the time of the spill and expects to have test results back soon on its first batch of tests of the fingerlings that were in the river during the height of the plume.

Over the long term, exposure to even small doses of many metals is dangerous. In fact, lead is a universal toxin, meaning that "no biological systems can tolerate lead without it having a toxic

effect," Teitelbaum said.

Clean-water standards allow for varying levels of zinc, magnesium and cadmium, but lead and arsenic are so poisonous that the EPA sets their maximum contaminant-levels goal at zero.

Teitelbaum worries about the levels of lead and arsenic that could potentially be present post-spill: "The big risks are birth defects and neurological effects on children, whose nervous systems are developing," he said.

That would entail ingestion of the lead and arsenic, either by eating fish caught in the Animas or drinking water straight from the river. The city of Durango performs extensive tests on any of the water it pulls from the Animas, which is a small percentage of what it uses because it pulls the bulk of its water from the Florida River.

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150821/NEWS01/150829905/-1/taxonomy/River-spill-captures-attention-of-media-

**Gold King Mine spill captures attention of world's media**

Orange color of Animas, mystique of American West attracts a lot of eyes

By Ann Butler Herald staff writer Article Last Updated: Friday, August 21, 2015 9:16pm

Within 48 hours of the Gold King Mine spill, media from across the nation and around the world began converging on Durango to report about a river that turned orange.

The New York Times on Aug. 11 featured full-page coverage of the Gold King Mine spill into the Animas River, including Durango Herald photographer Jerry McBride's shot of three kayakers on the orange water. The Times was not deterred by the fact that the river was no longer orange when it ran the story.

Michael Davis, an Environmental Protection Agency spokesman, said that while they don't keep a log, the Joint Command Incident Center has responded to requests for information from hundreds of media outlets, perhaps as many as 1,000.

"There's been so much attention, it's been so dramatic," said one attendee at Thursday night's community meeting. "People are acting like this is a Love Canal or Gulf (Coast) oil spill, and I don't think we're anywhere near that."

The story ran on television and radio around the world and was picked up by major print outlets such as Time, Newsweek and The New York Times, as well as several Internet news organizations.

Durango Herald photo editor Jerry McBride's shot of three kayakers on orange water went viral. Perhaps the real test that the Animas River spill had entered the national consciousness was its appearance on Conan O'Brien's show on TBS in a fake ad for "The Colorado Natural Disaster Ultimate River Rapids Extreme Kayaking Adrenaladventure Tours."

Several locals spent countless hours speaking to the press. Dan Olson, executive director of the San Juan Citizens Alliance, was on speed dial for numerous reporters. He said he'd lost count of the number of print and broadcast outlets he's spoken to in the last 2½ weeks.

"Let's see, the Guardian, the Wall Street Journal, The New York Times, (Colorado Public Radio), (National Public Radio), MSNBC, Al Jazeera International and English ..." Olson said. "It's been a full-time job, purposefully prioritized for us, because it was important for them to understand not just what happened with this spill but that it's a persistent problem that has plagued all the communities along the Animas River. We're hoping to galvanize national and international interest to solving the larger problem of mine drainage in the watershed."

Buck Skillen, the president of the Five Rivers Chapter of Trout Unlimited, found himself wearing two hats when speaking to the media.

"I try to make sure people realize Durango's still open for business," he said. "But I fly-fish in the Animas, although it's always catch-and-release. And the reality is that we live in an urban area, with brake dust and petroleum from the roads naturally washing into the Animas every time it rains. So the reason we don't eat the fish isn't really a function of this spill, it's a function of the ongoing mining drainage and the fact that we live in an urban area."

Why did they come?

But why did so many media outlets respond to an environmental crisis in an isolated area on a river most of them had never heard of – or could pronounce – that affected a relatively small number of people?

There are several reasons, said Michael Kodas, associate director for the Center for Environmental Journalism in the College of Media, Communication and Information at the University of Colorado.

"Of course, most simply, the color made for such a dramatic image," he said. "Anyone, anywhere in the world, even if they didn't speak English, could look at that spectacularly scenic river and see that something wasn't right. Visuals drive so much news coverage anymore."

It was amplified, Kodas said, because the spill was triggered by the EPA, which is the agency that is supposed to be protecting our environment.

"Even more importantly, the fact that the EPA has become such a political football in the last couple of years has allowed several presidential candidates not generally renowned for their environmental leanings to attack the EPA as environmental protectors," he said. "Particularly for the international media, which is fascinated by the reality TV show of American presidential politics, they found all the outlandish statements about the Animas River in this political

sideshow as colorful as the incident itself."

The final component that lifted the Animas River to front-page news was that it happened in the American West, he said.

"There's a worldwide mythology of the American West," Kodas said, "from the different landscapes to the miners, cowboys and rugged individuals who settled the West, which really fascinates countries that are centuries or millennia past that stage in their own history."

**Eastern Arizona Courier (AZ)**

http://www.eacourier.com/news/game-fish-to-monitor-fish-at-lake-powell-lee-s/article_bed15760-4865-11e5-a33c-7bd13aaefdeb.html

ENIX — The Arizona Game and Fish Department, in cooperation with the Arizona Department of Environmental Quality, will collect a broad spectrum of environmental samples, both biological and physical, from the Arizona portion of Lake Powell as part of continued monitoring for potential impacts of the Colorado Gold King Mine spill.

The Lake Powell sampling effort will be followed by similar collections on the Colorado River at Lee's Ferry, about 15 miles downstream of Glen Canyon Dam.

U.S. Rep. Ann Kirkpatrick, D-Ariz.

All samples, including fish tissue samples, will be collected by mid-October and analyzed for heavy metals. These data sets will be used to compare historical and future data in an effort to document any potential negative impacts to Lake Powell and the Blue Ribbon trout fishery at Lee's Ferry.

Last week, ADEQ completed sampling to characterize baseline water quality in Lake Powell and the Colorado River at Lee's Ferry and submitted those samples for analysis with the fastest possible turnaround time. ADEQ expects to receive lab results soon, which it will compare with

Arizona surface water quality standards and historical data.

The already diluted contaminant plume will become even more diluted in Lake Powell. For context, the plume is estimated to be about nine acre-feet of water, whereas the lake currently contains about 13 million acre-feet of water at 50 percent capacity. Because of the retention time in Lake Powell, biologists estimate the plume may take 18 months to two years to reach Glen Canyon Dam.

"Although the dilution and travel times are great, the potential impact, both short term and long term, to fish and other natural resources in Arizona must be properly evaluated," said Fisheries Chief Chris Cantrell.

Meaanwhile, U.S. Rep. Ann Kirkpatrick, D-Ariz., traveled to Page on Aug. 14 to meet with EPA officials and local leaders regarding the potential impact on Lake Powell and the region from contamination in the Animas River and San Juan River. Northern Arizona and the Navajo Nation, which Kirkpatrick represents in Congressional District One, are the Arizona regions at most imminent risk for any harm from the Gold King Mine spill.

Kirkpatrick's visit included meetings with Page Mayor Bill Diak, School Superintendent Robert Varner and the Chamber of Commerce. She also visited Antelope Point Marina, where EPA and National Park Service officials spoke with her about efforts to monitor and protect Lake Powell.

"I want Arizona to know that Page is open for business, and I want folks in Page to know that their concerns are being heard and actions are being taken to protect Lake Powell in both the short and long term," Kirkpatrick said in a press release. "I'll do everything I can to hold the EPA accountable and support our local economy."

**The Hill**

http://thehill.com/policy/energy-environment/251780-epa-knew-of-blow-out-risk-before-colo-mine-spill

**EPA knew of danger at abandoned mine, documents show**

By Timothy Cama - 08/24/15 09:34 AM EDT

Officials at the Environmental Protection Agency (EPA) knew of the potential for a poisonous water "blow-out" at an abandoned mine in Colorado at least a year before the major spill this month.

The revelation came in dozens of pages of documents related to the Gold King Mine near Silverton, Colo., that the EPA released late Friday night.

In a work order written by the EPA in June 2014 instructing contractor Environmental Restoration about the mine's conditions, the agency said there is likely at least one "impoundment" of wastewater in the mine, due largely to a 1995 collapse of a portal leading to it.

"Conditions may exist that could result in a blow-out of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine," the EPA's Denver-based region 8 wrote in the report.

A communication in May 2015 by Environmental Restoration also warned of the blowout risk. It called for the construction of a pond to catch the wastewater, but the pond did not get built.

The reports are likely to play a major role in the various investigations that have been launched into the incident. Lawmakers are conducting probes, in addition to EPA's Office of Inspector General, the Interior Department and other bodies.

The EPA is under fire locally and nationally over the Aug. 5 spill, in which about 3 million gallons of fluid containing heavy metals like mercury and lead spill into a tributary of the Animas River, turning it bright orange and closing it and other rivers for more than a week.

The House Science Committee announced last week that it would conduct the first hearing regarding the spill in September, after Congress returns from its summer recess.

The EPA has also weathered criticism for a perceived lack of transparency and urgency in its response.

The documents released Friday night came only after prodding from multiple media outlets. The department took the unusual step of posting them publicly on its website instead of routing them through public records requests.

**KOAA Channel 5 News (CO)**

http://www.koaa.com/story/29858349/epa-knew-risks-of-mine

**EPA knew risks of mine**

Posted: Aug 22, 2015 8:46 PM EDT

Updated: Aug 22, 2015 8:46 PM EDT

SILVERTON, Colo. -

Reports are surfacing that the U.S. Environmental Protection Agency knew the Gold King mine was at risk of a blow out before it happened. In documents released by the EPA to our sister station in Denver, the agency admits that the mine could have had a "blow-out of the blockages and cause a release of large volumes of contaminated mine waters and sediments from inside the mine, which could contain concentrated heavy metals."

In May, the EPA reportedly had a work plane in place to dig into the blockage at the entrance of the mine from the top down and drain any water trapped behind. The documents also state the Gold King Mine had not had maintenance of the mine workings since 1991. The EPA says Gold

King Mine met the criteria for a removal action in June 2014.

The documents show that the agency was aware the Gold King Mine could have had water backed up, and that the water could present a danger to human health. It was also stated that the cleanup was considered time critical removal and the mine discharge was a "significant contributor of manganese, copper, zinc and cadmium into the Cement creek drainage of the Animas River watershed."

Read more of the EPA's report here.

**KOB Channel 4 News (NM)**

http://www.kob.com/article/stories/s3885998.shtml#.Vdsiq_lVhHz

**Black panels could be a solution to tainted Animas water**

Created: 08/21/2015 7:05 PM

By: Devin Neeley, Eyewitness News 4

A California company says it may have a solution to the water problems on the Navajo Nation. Water in the San Juan River has still not been cleared for use in agriculture there.

“There is a need for good drinking water,” said Dale Tsosie.

Tsosie was busy unloading the bed of his truck, he said, he came with a load of water.

It was a 3 and a half hour drive, about 200 miles.

According to Parke Blair, CEO of GeoSource Foundation, a big black solar panel could be the short and long-term solution to clean drinking water on the Navajo Nation.

“We can take water contaminated by the EPA spill from the Animas and San Juan and take that water and provide pure potable water for irrigation and remove those contaminates,’ Blair said.

The Carocell panels are solar distillation units that have the capacity to clarify about 15 gallons of water a day, Blair said.

"We can provide all the water a home would need with one or two panels as long as you have sun," he said.

Blair says the Carocell panels can be implemented on a large scale like in a municipal water system or could have been used to treat water from the gold king mine before it even reached the river.

"We are here to help, we don't know where this is going to lead," he said.

According to Blaire, the panels cost between $500 and $700 each and could be in place in just a few weeks

"This isn't going to go a long way but it is helping," said Tsosie.

No decision yet on when the San Juan River on the Navajo Nation will be reopened for agriculture use, that decision comes from the office of the president of the Navajo Nation.

Devin Neeley

**International Business Times**

http://www.ibtimes.com/epa-knew-dangers-blowing-toxic-colorado-gold-mine-did-it-anyway-report-2064781

**EPA Knew Dangers Of Blowing Up Toxic Colorado Gold Mine, Did It Anyway: Report**

By Brendan James

August 23 2015 5:46 PM EDT

The Environmental Protection Agency was aware that remains of a gold mine in Silverton, Colorado, could produce a toxic "blowout" this month, according to official documents obtained by the Associated Press.

An attempted cleanup of the Gold King Mine in July inadvertently released 3 million gallons of contaminated water into the Animas river, loading it with traces of heavy metals and sediment. On Friday, the EPA handed over documents that "shed a little more light on what officials knew leading up to the botched cleanup," the AP reported.

The accident is currently under multiple department investigations:

A 71-page safety plan for the site included only a few lines describing what to do if there was a spill: Locate the source and stop the flow, begin containment and recovery of the spilled materials and alert downstream drinking water systems as needed.

Colorado Attorney General Cynthia Coffman said after reviewing the documents that she remained frustrated with the EPA's lack of answers.

"The plan indicates there was an understanding of what might happen and what the potential consequences were. We don't know whether they followed the plan," Coffman told The Associated Press. "I want to give the EPA the benefit of the doubt here. I really want to do that. It's getting harder."

The contamination spread 300 miles "through Colorado, New Mexico and Utah, to Lake Powell on the Arizona-Utah border," the wire service reported. To handle the aftermath, the agency has tried to manage the damage with "containment pods" that soak up the toxic elements before they reach other parts of the river.

Earlier this month Colorado funneled $500,000 to assist in the cleanup via the state's Disaster Emergency Fund. Colorado Gov. John Hickenlooper declared a disaster emergency.

Agencies estimate it could take years -- even decades -- before mines like Gold King can be safely shuttered.

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**Pueblo Chieftain (CO)**

http://www.chieftain.com/opinion/3857727-120/epa-mine-blame-colorado

**Letter: Who is really to blame for mess?**

Last modified: August 22, 2015 11:30PM

Don't blame the Environmental Protection Agency.

A recent editorial blaming the EPA for Durango's yellow (Animas) river woes overlooks some details.

The EPA has been underfunded for years, thanks to lobbying by the mining industry, and some conservatives have tried to eliminate it entirely. EPA is doing the best it can, but it is on a short leash.

Why not go after the mine owners? They made millions, and then left pools of cyanide and other toxins up high in our mountains, where they of course would someday overflow.

Without the EPA, Denver still would have its 1980s brown cloud (only worse; think Beijing), and every Colorado town would have a leaking gold mine or uranium plant upstream.

Do you think the mine owners will clean up their mess without laws forcing them to do so? Maybe the conservatives who cut the EPA funds over the years could gather shovels and picks and fix the mine water problem on their own.

It's sad to see parts of Colorado turning into an environmental version of West Virginia, but

without the EPA it would be far worse.

Graham Hoffman

Pueblo West

**Pueblo Chieftain (CO)**

http://www.chieftain.com/news/politics/3867568-120/tipton-congress-federal-protect

**Tipton: Time to clean up federal mess**

He says regulators have overstepped their bounds

BY CHRIS WOODKA THE PUEBLO CHIEFTAIN

Published: August 22, 2015; Last modified: August 22, 2015 04:00AM

If anything good can come of the release of contaminated water from the Gold King Mine into the Animas River earlier this month, it might be a federal law to make mine cleanup easier.

"This is an appropriate time to have a conversation on Good Samaritan legislation that would protect our state and other Western states," U.S. Rep. Scott Tipton told Colorado Water Congress Thursday.

His statement drew a spontaneous round of applause, because the legislation has been sought by both Republicans and Democrats from Colorado for years.

Good Samaritan legislation would allow cleanup of abandoned mine sites that can pollute water by removing barriers of liability.

[Need subscription for full article]

**Summit County Voice (CO)**

http://summitcountyvoice.com/2015/08/22/new-documents-show-epa-tried-to-warn-colorado-about-blowout-potential-at-gold-king-mine/

**New documents show EPA tried to warn Colorado about blowout potential at Gold King Mine**

Posted on August 22, 2015

By Bob Berwyn

FRISCO — The EPA knew there was potential for a dangerous blowout at the Gold King Mine at least since the summer of 2014, when the agency issued a Task Order Statement of Work.

In the July 25, 2014, order, the EPA wrote that conditions at the "Gold King Mine present an endangerement to human health and the environment and meet the criteria for initiating a removal action …"

Just more than a year later, the mine spilled about 3 million gallons of water tainted with arsenic, zinc, manganese, cadmium and lead. Concentrations of some pollutants spiked to many times the level deemed toxic for fish and other aquatic life.

New information about what the EPA was doing when its contractors accidentally breached a rubble dam to trigger the spill are detailed in documents the agency publicly released last week.

The EPA has faced criticism for a lack of timely and transparent communication during the early stages of the spill. For example, the Denver Post reported that the Republican attorneys general of Colorado and Utah — clearly on an EPA witch hunt — alleged that the EPA has withheld information about the mine.

The EPA published the documents in an effort to respond "to concerns and to evaluate impacts to water and sediment that may have been contaminated by the Gold King Mine release," according to this agency web page. the Denver Post reported that the Republican governors of Colorado and Utah — clearly on an EPA witch hunt, alleged that the EPA has withheld information about the mine.

"Given the experience with the August 5, 2015 blow out from pressurized water at the Gold King Mine, additional work is needed to ensure there are no more blockages holding back water which could contribute to future surges of contaminated water. The EPA and State responders have begun these efforts, but they have not yet been completed," the agency wrote.

The work that was being done when the water surged out of the mine was aimed at relieving pressure buildup from historic construction operations at the interconnected mines by the previous mining operator. Among other things, the contractors working for the EPA were trying to improve site access, stabilize the mine structure and control water and metals.

The work order also describes previous work done by the Colorado Division of Reclamation, Mining and Safety, including trying to stabilize the existing opening to allow mine water drainage

The work order states that the existing conveyance channel shall be protected and maintained during the work.

"If it becomes necessary to remove these drainage features, then suitable measures must be installed to control flows during the work. A replacement conveyance system is required to be installed after the portal and underground work are completed," according to the work order.

In a key passage, the work order describes what the EPA had in mind with future work:

"It is proposed to re-open the Gold King Mine portal and workings to investigate the conditions to assess the on-going releases. This will require the incremental de-watering and removal of such blockages to prevent blowouts. The work is intended to take place in September-October, 2014. In addition, the secondary purpose of the work is to attempt to identify and characterize specific water flows into the mine and evaluate potential means to mitigate those flows if possible."

A key focus of the work was to repair the portal in order to try and control what the EPA knew to be a potentially disastrous surge of polluted water:

"In addition, specify the anticipated approach for removing overburden, debris and re-establishing a safe structure that can be used for entry and egress and secured when not in use. This includes installing a portal gate with a secured locking system …

"Measures will be taken to control water and metal precipitate sludge and sediment that are impounded behind any blockage at the portal or in the mine. This will include the treatment of surge water discharge as necessary to prevent an uncontrolled release and impact to surface

water."

The EPA also knew that the water at the Gold King Mine would have to be treated at some point:

"A temporary water retention and sludge management pond must be prepared and operated, as necessary, on site to manage mine water and sludge removed from the adit. This will be used to manage impounded mine water and base flows and metal precipitate sludge from the mine workings during theconstruction activities."

The second key document released by the EPA is a May 2015 Action/Work Plan which names ENVIRONMENTAL RESTORATION, LLC as the contractor. The plan outlines the scope of work and the operational approach.

In a background section, the agency once again detailed historic conditions at the mine that likely primed the site for the toxic surge on Aug. 5 this year, clearly recognizing the potential for a disastrous blowout:

The Gold King Mine has not had maintenance of the mine working since 1991, and the workings have been inaccessible since 1995 when the mine portal collapsed. This condition has likely caused impounding of water behind the collapse. In addition, other collapses within the workings may have occurred creating additional water impounding conditions. Conditions may exist that could result in a blow-out of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine, which contain concentrated heavy metals.

The Scope of Work section says that the contractor was to remove material covering the adit, which is probably what was being done when the mine spilled its guts.

Read all the EPA's posted documents here: http://www2.epa.gov/goldkingmine/epa-posts-gold-king-mine-file-documents

**Washington Times**

http://www.washingtontimes.com/news/2015/aug/23/epa-knew-of-blowout-risk-at-gold-king-mine/

**EPA knew of 'blowout' risk at Gold King Mine**

By Valerie Richardson - The Washington Times - Sunday, August 23, 2015

DENVER — It turns out the Environmental Protection Agency knew about the risk of a blowout from the Gold King Mine more than a year before orange toxic sludge flooded the Animas River in southwest Colorado.

The EPA released documents late Friday showing that the agency had been warned in a work order for a planned cleanup about the potential for such an accident in June 2014, or about 14 months before the Aug. 5 spill triggered by an EPA-led team.

"Conditions may exist that could result in a blowout of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine, which contain concentrated heavy metals," said the work order.

The revelation comes as a House committee prepares to hold hearings on the disastrous Aug. 5 blowout that sent toxic sludge into three states and two Indian reservations.

House Science, Space and Technology Committee chairman Lamar Smith called Friday on EPA Administrator Gina McCarthy to testify before the panel on the wastewater spill triggered by an EPA-led crew.

The agency has come under fire for waiting 24 hours before notifying state and local authorities about the Aug. 5 blowout at the inactive mine.

"Weeks after the spill, families and businesses who depend on the Animas River continue to deal with uncertainty and limited information," Mr. Smith said in a statement. "As the agency entrusted by the American people to protect the environment and ensure the nation's waters are clean, the EPA should be held to the highest standard."

"The Science Committee needs to hear from the EPA about steps it is taking to repair the damage and to prevent this from ever occurring again," he said.

Ms. McCarthy has apologized on the agency's behalf after EPA contractors accidentally uncorked three million gallons of toxic wastewater from the Gold King Mine near Silverton, Colorado, which quickly spread to northern New Mexico and the Navajo Nation.

The mine continues to leak about 600 gallons of orange wastewater per minute, which is being captured in sediment pools and treated before being released, according to EPA officials.

The EPA's advance warning of such a spill prompted a rebuke Saturday from Advancing Colorado's Jonathan Lockwood.

"The dangerous, reckless and aloof EPA is proving it doesn't deserve our hard-earned money or belong in the driver's seat of environmental policy," said Mr. Lockwood, executive director of the free-market advocacy group.

The Interior Department and EPA's Office of Inspector General are investigating the accident.

**From:** Bressler, Lindsey
**Sent:** Friday, August 21, 2015 3:48 PM
**Subject:** RE: CO Mine Spill Clips - 8/21

**Denver Post (CO)**

http://www.denverpost.com/opinion/ci_28679479/150-year-legacy-mining-pollution

**Thompson: A 150-year legacy of mining pollution**

By Jonathan Thompson

High Country News

POSTED: 08/21/2015 12:00:00 PM MDT

When the Tang-orange plume of acidic water and heavy metal-laden slime blasted out of a mine in southwest Colorado's San Juan Mountains on Aug. 5, tore through Cement Creek in Silverton, ran into the Animas River and, finally, the San Juan River some 100 miles downstream, it may have seemed like a pristine mountain stream was forever sullied.

That's not really the case. The Animas River, as clear and clean as it may have looked just prior to the spill, lost its pristine status many years ago, soon after Anglo settlers converged on the region in the 1870s and started tearing up its mountains in search of gold and silver. Since then, the Animas and the San Juan, into which it runs, have been repeatedly battered and abused by the humans who rely on them.

The mining industry was probably the most persistent abuser of the watershed. First, there were the tailings dumped in the river, then the billions of gallons of acid mine drainage that have poured from mine adits into streams and, ultimately, into the Animas over the decades. Even after it left the region, the industry continues its abuse: Before the Gold King mine blew 3 million gallons of orange spooge into the watershed this month, it had been discharging similarly tainted water at a rate of 50 to 250 gallons per minute, or more than 100 million gallons per year, into Cement Creek.

But hardrock mining is only one of the watershed's abusers. The Animas runs right through one of the nation's most prolific natural gas fields, and coalbed methane wells are common on its shores. The San Juan's muddy waters flow between two gargantuan coal-fired power plants before passing through uranium mining country and the Aneth oil field. As Dan Olson, director of the conservationist group San Juan Citizens Alliance, said a few days after the spill: "This is an industrialized landscape."

It's not just industry, either. This landscape has also been farmed, grazed and urbanized. More and more people move here every year and put more demands on the rivers, and more stuff into them. In fact, nutrient loading and bacteria levels are so high on the Animas and San Juan in northwestern New Mexico, that Dave Tomko, with the San Juan Watershed Group, was downright blasé about the orange plume moving towards his community. He figured that naturally high pH levels in the San Juan, along with extra releases from Navajo Reservoir upstream, would buffer the impacts of the acidic plume. Tomko's major concern was for crops

that would go thirsty as irrigation intakes were shut down. As far as the plume's toxic impact, though, he said: "We've got bigger issues than this."

Perhaps the orange plume's silver lining will be waking people up to the value of their rivers, and to all the ways they're threatened every day.

Jonathan Thompson is a senior editor of High Country News.

**Indian Country Today Media Network**

http://indiancountrytodaymedianetwork.com/2015/08/21/navajo-nation-sends-back-oily-smelling-water-tanks-161480

**Navajo Nation Sends Back Oily-Smelling Water Tanks**

Alysa Landry

8/21/15

Navajo President Russell Begaye has ordered police to confiscate large tanks full of water delivered to the reservation for farmers and ranchers to use for crops and livestock.

The water, which arrived in 16,000-gallon tanks, was intended to fill the gap caused on August 5 when Environmental Protection Agency crews working at Colorado's Gold King Mine accidentally released three million gallons of toxic wastewater into the Animas and San Juan rivers. The spill prompted Navajo officials in New Mexico, Utah and Arizona to close access to the river and halt irrigation pumps while EPA officials tested the water.

Thirteen big, black water tanks were delivered to the New Mexico part of the reservation, with nine of those going to Shiprock. Residents lined up with buckets, barrels and tanks of their own, but quickly noticed that the water in the tanks was no more safe than was the river water.

"When people got water from some of those tanks, they put it in 6-gallon jugs and brought it to the chapter," said Duane "Chili" Yazzie, president of the Shiprock Chapter. "Some of the water was reddish colored or brownish. Some of the water was oily and some had a petroleum smell to it."

Some residents used the water before realizing it was contaminated, Yazzie said. One woman complained that her plants had an oily sheen the morning after she watered them.

"These people are desperate," Yazzie said. "The hopes of the farmers of actually being able to save their crops was obliterated because the water is tainted."

After hearing the complaints, Begaye decided to investigate on his own. In a video posted to his Facebook page, Begaye fills a Styrofoam cup with water from one of the tank's spigots then dips a finger in the water.

"This is oily," he says. "How can anybody feed this to their cows? They are ingesting oil into their body, into their system.... For us to feed this to our animals, our crops, there's no way."

In the video, Begaye says he has asked the EPA to remove the water tanks. Then he ordered the Navajo police to confiscate two of the tanks for evidence.

The EPA had hired a local company, Triple S Trucking, to haul tanks full of water to the reservation. The water came from a nearby municipal water source.

In a statement to KOB-TV in Albuquerque, Triple S Trucking said it will investigate the problem. Triple S, which has offices in New Mexico, Utah and Pennsylvania, specializes in delivering water for fracking operations.

"Triple S Trucking has received assurances that each of the tanks that were used were steam cleaned and inspected prior to use at Shiprock," the company stated. "Triple S Trucking will continue to work cooperatively to investigate this complaint about contamination of the agricultural water."

**KSFR Santa Fe Public Radio (NM)**

http://ksfr.org/post/august-21-new-mexico-ahead-colorado-mining-reform-new-proposals-could-set-us-back#stream/0

**August 21 - New Mexico Ahead Of Colorado In Mining Reform, But New Proposals Could Set Us Back**

By MARION COX

8/21/15, 3:38 PM EST

[Listen to story online]

Government officials and southwestern residents last week observed the copper colored toxic spill as it made its way down the Animas River from Colorado and through New Mexico. There is extensive finger pointing as to who is responsible for the accidental release of more than three-million gallons of heavy metal sludge. Yet the conditions that set the stage for this mishap have been in the making for decades - and those conditions are very different in Colorado from what exists today in New Mexico.

KSFR's Marion Cox spoke with Amigos Bravos Interim Executive Director Rachel Conn about why New Mexico may be in a better place - for the moment - than Colorado to make sure mining disasters, such as the Gold King Mine incident, don't occur here. Conn warns however that New Mexico still faces major challenges in protecting its precious groundwater and surface water resources due to new legislative and regulatory initiatives the Martinez Administration is currently pursuing that would weaken protections we currently have - and that have been in place in New Mexico for decades.

**From:** Bressler, Lindsey
**Sent:** Friday, August 21, 2015 1:55 PM
**Subject:** RE: CO Mine Spill Clips - 8/21

**CBS Denver Channel 4 (CO)**

http://denver.cbslocal.com/2015/08/21/waste-from-gold-king-mine-used-to-run-through-treatment-facility-dispute-over-origination/

**Waste From Gold King Mine Used To Run Through Treatment Facility, Dispute Over Origination**

August 21, 2015 10:31 AM

SILVERTON, Colo. (CBS4) – The town of Silverton is built on mining. At the Brown Bear Café, a photo of the Gold King sits prominently as a testament to its proud past and unfortunate present.

The current owner of Gold King Mine, Todd Hennis, says he never should have let the EPA into his mine.

"If we hadn't done that we wouldn't be here today," said Hennis.

The portal we visited is now a cavity after the EPA's dirt and timber plug gave way, sending millions of gallons of toxic water into the Animas River.

Steve Fearn is a former Gold King owner, who says the EPA did not properly manage the leak.

"The best way they could have set a drill up above it and drilled into the tunnel, they have maps," Fearn said.

Hennis has maps too, which he insists shows the water gushing from his mine may have originated with a nearby mine, the Sunnyside.

The mine water used to flow through a treatment facility, but that was shut down several years ago. Bulkheads were installed to prevent the toxic water from coming out

When asked if the blowout would have occurred if that facility was still in use, Hennis said "No. There would be no water backed up in the mountain, it would be treated."

CBS4's Rick Sallinger with Gold King Mine owner Todd Hennis on Aug. 18, 2015 (credit: CBS)

CBS4's Rick Sallinger with Gold King Mine owner Todd Hennis on Aug. 18, 2015 (credit: CBS)

Hennis claims there is much more water trapped inside.

"That will cause a flow, like this occurred in one hour, for months and months. we haven't seen anything," he said.

The owner of the Sunnyside Mine, Kinross Gold, issued a statement saying..

"The representative of gold king mine has made numerous baseless allegations against Sunnyside … there is no connection between the workings of the two mines.

An EPA fact sheet provided to CBS4 by Hennis reads, "After the Sunnyside closed, water found natural fractures that allowed it to flow into the Gold King and other mines."

Tests could potentially show where the water originated.

**Daily Caller**

http://dailycaller.com/2015/08/21/epa-chief-plans-japan-trip-as-congress-demands-she-answer-for-the-toxic-mine-spill/

**EPA Chief Plans Japan Trip As Congress Demands She Answer For The Toxic Mine Spill**

MICHAEL BASTASCH

12:29 PM 08/21/2015

EPA Administrator Gina McCarthy announced she'll be traveling to Japan later this month to talk about global warming just as Congress is demanding she testify about the agency-caused toxic waste spill in Colorado that happened earlier this month.

"After spilling millions of gallons of toxic chemicals into the Animas River, the EPA has an obligation to be forthcoming about what went wrong and potential long-term impacts on local communities," Texas Republican Rep. Lamar Smith said in a release, demanding McCarthy appear before the House science committee to answer lawmakers' questions about the spill.

About two weeks ago, EPA workers using heavy equipment to stem wastewater from leaking out of the Gold King Mine in Colorado broke a water-retention wall and unleashed three million gallons of toxic waste, including arsenic and lead, into the Animas River.

The bright orange toxic plume released by the EPA has traveled hundreds of miles into New Mexico and Utah, contaminating river water and forcing locals to rely on EPA shipments of water for drinking and irrigation. The agency says water quality has returned to pre-spill levels, but state officials have urged locals not to drink the river water as they assess the long-term impacts of the mine waste.

Congress has already demanded the EPA give regular updates on the spill cleanup efforts, and the EPA inspector general's office has launched an investigation into how the spill occurred and the agency's response. But that's not enough, and now lawmakers want McCarthy herself to answer for the spill.

"Weeks after the spill, families and businesses who depend on the Animas River continue to deal with uncertainty and limited information," Smith said. "As the agency entrusted by the American people to protect the environment and ensure the nation's waters are clean, the EPA should be held to the highest standard. The Science Committee needs to hear from the EPA about steps it is taking to repair the damage and to prevent this from ever occurring again."

The hearing is set to take place in early September, about 10 days after McCarthy is set to return from Japan, where she'll be talking with Japanese officials about international efforts to curb air pollution and carbon dioxide emissions. She'll host a tea with female environmentalists in the country.

McCarthy is also set to talk about the agency's Clean Power Plan, likely in an effort to show Japanese officials the U.S. is serious about tackling global warming. The Obama administration wants to convince other countries to sign a global deal to fight global warming at the United Nations climate summit in Paris later this year.

McCarthy's trip to Japan occurs while tensions flare between federal officials and locals living along spill-affected waterways. Navajo Nation has filed suit against the Obama administration over the spill and now claims the agency was supplying tribal members with tainted irrigation water.

State officials are also furious with the EPA over the spill and demand the agency be held accountable for dumping toxic waste into rivers. At least one Utah lawmaker has suggested the EPA intentionally spilled waste from the Gold King Mine to get the area declared as a Superfund site.

State attorneys general were also frustrated with the EPA for not sharing certain information about the spill, including the federal contractor working on the mine when the waste was released. Eventually, the identity of the contractor was made public by The Wall Street Journal, not the EPA.

The EPA says that water quality levels have returned to pre-spill conditions in New Mexico, but state officials are wary about the long-term effects the spill will have on public health.

**Daily Caller**

http://dailycaller.com/2015/08/21/did-epa-give-navajo-nation-tainted-water/

**Did EPA Give Navajo Nation Tainted Water?**

MICHAEL BASTASCH

11:46 AM 08/21/2015

In the wake of the Gold King Mine spill, EPA officials have been supplying Navajo Nation farmers and livestock herders with water so they don't have to use river water, which could contain toxic mine waste.

But now, Navajo tribesmen are claiming the water the EPA is giving them is tainted with a black, oily substance.

"I was astounded," Navajo Nation President Russell Begaye told The Guardian. "I couldn't believe there were black oily streaks in the water."

Begaye reportedly filled a cup with the EPA-delivered water three or four times to make sure it was okay. He told The Guardian that when he "ran water from the intake valve, his hand was reportedly coated with oil and grease."

The allegedly tainted water was delivered to Navajo farm representative Joe Ben, Jr. on Aug. 14, about nine days after the Gold King Mine spill occurred. Ben rejected the water, saying there were signs it was contaminated. The EPA didn't like his answer and told Begaye that Ben was "an unstable individual" who was "agitating."

But when Begaye tested the water himself, he saw signs of contamination and sharply criticized the EPA for trying to make Ben seem unhinged and trying to sow discord between the tribe and government officials.

"I couldn't believe what I was seeing," Begaye said. "I couldn't believe the EPA's higher-ups basically told me a lie."

Begaye said the contractor used by the EPA to deliver water to Navajo irrigation pumps that was

stored in "barrels… allegedly used in fracking operations," The Guardian reports. The EPA said the barrels had been thoroughly cleaned, but Begaye disagrees.

"We don't trust the EPA," he said, noting that the supposedly tainted water had been given to some livestock and used by some farmers to water their crops. Many Navajo are subsistence farmers and could lose everything if their crops are contaminated.

"Now they are likely to lose all of that," Begaye told The Guardian.

This is not Begaye's first showdown with the EPA over the Gold King Mine spill. The Navajo president is also suing the Obama administration over the spill, and claims the government was trying to swindle tribal members out of being compensated for future spill damages.

On Aug. 5, EPA contractors working to stem the flow of mine wastewater from abandoned mines near Silverton, Colorado accidentally unleashed 3 million gallons of toxic metals and other pollutants into the Animas River. The bright orange toxic plume flowed for hundreds of miles through the San Juan River — which goes through Navajo Nation — and to Lake Powell, Utah.

EPA officials have said that water in New Mexico has returned to pre-spill levels, including water running through Navajo lands. But trial members and locals are hesitant to trust the EPA's claims.

State officials are also skeptical of the EPA's claims that river water has returned to pre-spill levels of toxicity. Experts are still trying to figure out the long-term impacts of the spill, and think the EPA is downplaying the negative impacts of spilling millions of gallons of mine waste.

"We are concerned about this particular sediment load given how the various constituents in the sediment may continue to affect the stream," Colorado health officials said in a statement to The Associated Press.

Officials noted that there's "ongoing potential for those [private] wells to be affected as the sediment migrates into the groundwater table."

Environmental regulators in Utah said water quality tests suggest there was minimal health risks with using San Juan River water. Officials, however, said that while they are trying to determine the long-term effects of the spill, people should not drink the water and should minimize their contact with river dirt and sand.

**The Hill**

http://thehill.com/policy/energy-environment/251658-house-committee-schedules-first-hearing-on-mine-spill

**House committee schedules first hearing on mine spill**

By Devin Henry

08/21/15 12:50 PM EDT

A House committee has scheduled the first congressional hearing on this month's toxic waste spill in Colorado.

The Science, Space and Technology Committee has asked Environmental Protection Agency (EPA) administrator Gina McCarthy to testify on Sept. 9 about the spill.

Chairman Lamar Smith (R-Texas) said the EPA "has an obligation to be forthcoming about what went wrong" in Colorado.

A team of EPA contractors inspecting an abandoned mine inadvertently released 3 million

gallons of toxic sludge into Colorado's Animas River on Aug. 5. The waste eventually spread to the San Juan River in New Mexico.

Water quality has since returned to pre-accident levels, the EPA says, and the rivers have reopened. But the incident has provided fodder for lawmakers and led to calls for congressional inquiries.

"Weeks after the spill, families and businesses who depend on the Animas River continue to deal with uncertainty and limited information," Smith said in a statement.

"As the agency entrusted by the American people to protect the environment and ensure the nation's waters are clean, the EPA should be held to the highest standard. The Science Committee needs to hear from the EPA about steps it is taking to repair the damage and to prevent this from ever occurring again."

The House Natural Resources Committee and the Senate Environment and Public Works Committee have both promised their own hearings on the accident.

The EPA's inspector general is looking at the spill, and the Interior Department's Bureau of Reclamation is leading a separate investigation into the accident.

**Washington Examiner**

http://www.washingtonexaminer.com/house-panel-to-hold-hearing-on-epas-role-in-toxic-spill/article/2570611

**House panel to hold hearing on EPA's role in toxic spill**

By JOHN SICILIANO

8/21/15 12:52 PM

The House science committee will hold hearings in September to probe the Environmental Protection Agency's role in causing the huge toxic waste spill earlier this month in the West.

The Science, Space and Technology Committee is requesting that EPA Administrator Gina McCarthy testify at the hearing, which is scheduled for Sept. 9, just days after returning from the August congressional recess.

Republican Chairman Lamar Smith of Texas said Friday that the EPA has "an obligation to be forthcoming about what went wrong and potential long-term impacts on local communities."

The EPA caused a toxic yellow plume of lead, mercury and other heavy metals to spill into the river systems of Colorado, New Mexico and Utah earlier this month. An EPA contractor ruptured a containment wall at an abandoned gold mine in Colorado, releasing millions of gallons of toxic sludge into the Animas River.

Smith says that weeks after the spill, "families and businesses who depend on the Animas River continue to deal with uncertainty and limited information."

"As the agency entrusted by the American people to protect the environment and ensure the nation's waters are clean, the EPA should be held to the highest standard," he said. "The Science Committee needs to hear from the EPA about steps it is taking to repair the damage and to prevent this from ever occurring again."

Earlier this week, the agency's inspector general started an investigation into the spill. Both Democrats and Republicans have criticized EPA for both the spill and for its lackluster response.

Local and state authorities said it was hard to communicate with agency officials to coordinate a response effort.

The Democratic delegation from New Mexico urged McCarthy to travel to Colorado to personally oversee the response effort after hearing from state officials that the EPA had been unresponsive. McCarthy agreed to join the spill response effort early last week after being nudged by the lawmakers.

EPA on Thursday said the San Juan River in New Mexico had returned to pre-spill conditions, about a week after the agency confirmed that the highest concentrations of pollutants had dissipated in the Animas River. States and others say it will take years, and potentially billions of dollars, to clean up river sediment that has absorbed the heavy metals.

**Washington Times**

http://www.washingtontimes.com/news/2015/aug/21/gina-mccarthy-called-testify-animas-toxic-spill/

**House Science Committee chair calls on EPA's McCarthy to testify on toxic spill**

By Valerie Richardson

Friday, August 21, 2015

The chairman of the House Science, Space, and Technology Committee called Friday on EPA administrator Gina McCarthy to testify before the panel on the Animas River wastewater spill triggered by an EPA-led crew.

The hearing, scheduled for 10 a.m. ET on Wednesday, Sept. 9, represents the first congressional hearing announced so far on the devastating spill, although at least two other House committees and a Senate committee are considering taking action.

Ms. McCarthy has apologized on the agency's behalf after EPA contractors accidentally uncorked three million gallons of toxic orange sludge from the Gold King Mine near Silverton, Colorado, which quickly spread to northern New Mexico and the Navajo Nation.

"After spilling millions of gallons of toxic chemicals into the Animas River, the EPA has an obligation to be forthcoming about what went wrong and potential long-term impacts on local communities," said Rep. Lamar Smith, Texas Republican, who chairs the committee.

The agency has come under fire for waiting 24 hours before notifying state and local authorities about the Aug. 5 blowout at the inactive mine.

"Weeks after the spill, families and businesses who depend on the Animas River continue to deal with uncertainty and limited information," Mr. Smith said in a statement. "As the agency entrusted by the American people to protect the environment and ensure the nation's waters are clean, the EPA should be held to the highest standard."

"The Science Committee needs to hear from the EPA about steps it is taking to repair the damage and to prevent this from ever occurring again," he said.

The mine continues to leak about 600 gallons of orange wastewater per minute, which is being captured in sediment pools and treated before being released, according to EPA officials.

**From:** Bressler, Lindsey
**Sent:** Friday, August 21, 2015 11:50 AM
**Subject:** RE: CO Mine Spill Clips - 8/21

**The Blaze**

http://www.theblaze.com/stories/2015/08/21/navajo-nation-says-relief-water-sent-from-epa-after-toxic-spill-was-tainted-see-the-videos/

**Navajo Nation Says Relief Water Sent From EPA After Toxic Spill Was Tainted — See the Videos**

Aug. 21, 2015 8:33am

Liz Klimas

With its farmers advised to avoid using water from the San Juan River for weeks after a toxic spill of wastewater from an inactive mine contaminated it and the Animas River, federal officials arranged to send relief water to members of the Navajo Nation.

However, some members say that the water delivered to them was tainted.

Shiprock farm board member Joe Ben Jr. complained that water coming from tanks delivered by a contractor employed by the U.S. Environmental Protection Agency contained oil and didn't smell right.

Begaye told KOB-TV that the EPA had said the tanks held "only clean water for drinking."

"Clearly it is just a lie. Clearly, it is an oil tank. That's what it is," the tribal leader told the news station.

Begaye and Navajo Attorney General Ethel Branch went to Shiprock to look at the tanks a day after farmers voted to reject the water, posting videos on Facebook of their examination.

"That is clearly oil," Branch said. "We don't trust the EPA to be here. They need to get out of our nation, send the dollars directly here. Let us take care of these issues ourselves because we care about the health and welfare of our people."

According to KOAT, the Navajo Nation seized the tanks and tribal spokesman Mihio Manus said tribal officials were testing the water.

The EPA said it would provide an alternate water source from within the reservation but didn't directly address questions regarding the holding tanks. One EPA contractor, Triple S Trucking, said the tanks were cleaned before being delivered to the reservation.

The EPA did not immediately respond to TheBlaze's request for comment on the relief water, but in a statement told KOB the trucks from the contractor were "team cleaned and inspected prior to use at Shiprock." The contractor, Triple S Trucking, told the news station it was working with the EPA to investigate the complaint.

KOB reported that as of Thursday the Bureau of Indian Affairs was supplying water from the Navajo Dam through the company Navajo Agricultural Products, Inc.

Federal and tribal officials said the water quality levels in the San Juan River had returned to pre-spill conditions, according to recent tests. Begaye said Thursday he would now consider lifting an advisory against using the river to water crops.

The EPA said testing of surface water collected over a week in Hogback, New Mexico, showed water quality at the same levels as those measured before the mine waste reached the reservation. The agency has taken full responsibility for the Aug. 5 spill at the Gold King Mine.

EPA Administrator Gina McCarthy and Begaye spoke Wednesday about water quality in the river and agreed to have EPA cease water deliveries Friday for agricultural use on the reservation, the EPA and Manus said. The agency said it would work with the Navajo Nation on a monitoring plan for the river.

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The Associated Press contributed to this report.

**The Guardian**

http://www.theguardian.com/environment/2015/aug/21/navajo-nation-epa-contaminated-water

**Navajo leader feels betrayed by EPA over 'contaminated' water supply**

Tafline Laylin

Friday 21 August 2015 08.12 EDT Last modified on Friday 21 August 2015 10.18 EDT

The president of the Navajo Nation said he feels betrayed that water supplied by the Environmental Protection Agency appeared to be tainted with a black oily substance.

The water was delivered by the EPA to Shiprock, New Mexico, on Friday 14 August, to sustain agricultural operations and livestock after an EPA accident released a toxic plume from Gold King Mine into their natural water supply.

When the water arrived, Joe Ben Jr, a representative of Shiprock's farm board, said he rejected it after noting signs of contamination.

EPA officials told the Navajo president, Russell Begaye, that Ben is "an unstable individual" who was "agitating" – potentially to achieve some kind of political edge in the escalating discord between the EPA and the Navajo nation, according to Begaye.

The officials reported feeling threatened and subsequently evacuated all EPA personnel from Navajo territory, according to Begaye.

Begaye said he initially did not question the EPA's assurances.

But when he arrived in Shiprock and inspected the water for himself, he saw black objects floating in the water. When he squeezed them, he said they turned into a greasy streak.

"I was astounded," Begaye told the Guardian by phone on Thursday. "I couldn't believe there were black oily streaks in the water."

He said he filled up a cup three or four times to be sure, and each time, the same oily black spots appeared in the water. When he ran water from the intake valve, his hand was reportedly coated with oil and grease.

"I couldn't believe what I was seeing," he added. "I couldn't believe the EPA's higher-ups basically told me a lie."

The EPA contracted Triple S Trucking, which is part of the Aztec Well family of companies that services the oil and natural gas industry, to deliver the water while irrigation pumps that normally deliver water from the San Juan river are shut down pending water quality assessments.

Ben said he requested certification from Triple S Trucking and the EPA that the barrels used to store the water, allegedly used in fracking operations, had been thoroughly cleaned. But no such report was forthcoming, Ben said.

In a prepared statement, the EPA reported that Triple S claimed to have steam-cleaned and inspected tanks prior to delivering water sourced from the Bloomfield Utility Department in New Mexico for use at Shiprock.

The agency also promised to explore the Navajo Nation's allegations.

"The US EPA will work closely with Navajo Nation authorities to investigate a recent complaint about water contamination in one tank provided by US EPA for agricultural purposes in the Shiprock, New Mexico area," the report said.

At the president's behest, Navajo police seized three of the tanks to use as evidence, and independent analysis of the water quality is being sought.

"It is not the normal conduct of our community to challenge the government," Ben told the Guardian. "But I was brought on board to protect the natural resources of the Navajo Nation."

Begaye said some farmers, out of desperation, gave their animals some of the water to drink and irrigated crops such as alfalfa, watermelon and corn.

As a result, he said crops and Navajo land are now tainted with the oily substance.

Navajo farmers have just five months to raise crops for subsistence or barter. This yield has to support them and their families for the entire year.

"Now they are likely to lose all of that," Begaye said.

The incident builds on mistrust among the Navajo community. Since a toxic spill delivered mine waste containing high levels of lead, arsenic and other heavy metals, to waterways from Colorado's Animas river to the San Juan river that passes through Shiprock, Begaye has expressed public outrage at the EPA's inconsistent public information about the spill.

In a video posted on his Facebook page earlier this week, Begaye said he would not drink the water in Cement Creek near Gold King Mine despite assurances it was safe, after he dipped a cup in the creek and brought out yellow-colored water.

In another video posted on his Facebook page from Shiprock on Wednesday, Begaye demonstrates how his finger became streaked in black when he wiped an opening to one of the water tanks.

"This is what they expect our animals to drink?" he asked.

Following data collected from 7 to 15 August near Hogback, New Mexico, the EPA says the San Juan river's water quality in the Navajo Nation has returned to pre-spill conditions.

"EPA Administrator Gina McCarthy and Navajo Nation President Russell Begaye had a productive phone conversation on August 19 to review water quality data," the statement reads.

Begaye announced on Thursday that he would reopen the river on Saturday. But he says his decision was based on data collected by the Navajo Nation's own environmental protection agency.

He wants to reassure Navajo farmers the agency will continue to closely monitor three different irrigation systems for signs of heavy metals once the river is reopened, and will immediately shut them down if necessary.

"We don't trust the EPA," he said.

**KSFR Santa Fe Public Radio (NM)**

http://ksfr.org/post/august-21-first-news-nm-concerned-long-term-effects-spill-feds-downplay-them-listen#stream/0

**August 21 First News: N.M. Concerned With Long-Term Effects Of Spill; Feds Downplay Them (Listen)**

By TOM TROWBRIDGE

8/21/15, 9 AM EST

[Listen]

More than two weeks after a mine spill fouled waterways in several Western states, officials are expressing concern over the long-term effects of contaminated river bottoms as the federal agency that triggered the accident downplayed the dangers. U.S. Environmental Protection Agency workers released more than 3 million gallons of contaminated water Aug. 5 while working at an inactive mine site near Silverton, Colorado. Poisons including lead and thallium have been detected in sediment samples collected from the Animas River. The river travels from Colorado into northern New Mexico, joining the San Juan River before emptying into Utah's Lake Powell. The EPA has said the contamination is returning to pre-spill levels as the plume passes. But officials in Colorado, New Mexico and Utah cite potential harm to private drinking wells and river life.

The last time New Mexico's drought levels were this low was in January 2011, more than four years ago. The U.S. Drought Monitor report released Thursday shows severe drought has disappeared from the state, leaving behind lesser levels of dryness in the western half of New Mexico. Just one year ago, severe and extreme drought conditions covered more than two-fifths of the state. Forecasters with the National Weather Forecast say isolated showers and thunderstorms are expected to develop Friday afternoon along and west of the central mountain chain. The chance for more rain will increase Sunday thanks to a backdoor cold front entering the state.

Federal officials say the quality of San Juan River water on the Navajo Nation has returned to what it was before a spill at a Colorado gold mine sent toxic sludge into the waterway. The U.S. Environmental Protection agency says that's based on a review of data collected over a week near Hogback, New Mexico. Tribal spokesman Mihio Manus said Thursday that President Russell Begaye is considering lifting the tribe's advisory against using river water for irrigation on Saturday. The EPA says it will provide technical assistance. Manus says the tribe has completed its own testing of the San Juan River but did not immediately release the results.

**St. George News (UT)**

http://www.stgeorgeutah.com/news/archive/2015/08/20/mgk-utah-attorney-general-others-visit-gold-king-mine-spill-site/#.VddHMPlVhHw

**Utah attorney general tours Gold King Mine spill site**

Written by Mori Kessler

August 20, 2015

ST. GEORGE – Utah Attorney General Sean Reyes, along with Colorado's attorney general and other officials from both states, took a fact-finding tour of the site Wednesday where 3 million gallons of toxic mine water spilled into the Animas River on Aug 5. Filled with heavy metal contaminants, the spill eventually reached the San Juan River and Lake Powell last week.

"I've always made it a practice in all of my cases, especially one of this magnitude, to go to the site to get a true understanding and appreciation of the dynamics of what occurred," Reyes said in a phone conference Wednesday.

The tour of the origin point of the spill – the Gold King Mine near Silverton, Colorado – was a unique opportunity, Reyes said, as the Environmental Protection Agency has thus far only allowed a handful of other federal, state and Native American officials to visit it.

"There was a large, gaping hole, and I won't even guess at the dimensions, and some of the debris from whatever was holding back the water," Reyes said as he described the release site.

Some water was still pouring out of the hole, which the EPA had diverted toward various pools for treatment.

The toxic spill was accidentally triggered by EPA and contracted work crews earlier this month.

During the conference call, Reyes said the spill was possibly caused by the EPA's attempt to measure the depths of the wastewater in the mine. EPA officials on-site wouldn't comment on the matter due to an investigation into the spill that is being conducted by the Department of the Interior. However, some state officials said they believe that to be the case.

While there have been accusations that the EPA deliberately caused the toxic spill, Reyes said: "Currently we don't have any evidence that supports a purposeful release."

He further said: "Part of the reason we came here was to separate myth from fact. … I actually asked (the EPA workers) point-blank if they were aware of any evidence that might support the suspicion people have about purposeful motives, and they categorically denied any of that."

Still, senators from the three states impacted by the spill – Utah, New Mexico and Colorado – are

not happy with how the EPA has handled the situation. They sent a letter to the White House Monday demanding the agency be more transparent and efficient in its cleanup efforts. They also demanded that the EPA ensure state and local governments will be compensated for damages caused by the agency's mishap.

A second letter from the six senators was sent to EPA Inspector General Arthur Elkins Wednesday, asking him to address 13 questions related to the spill, including: "whether the EPA followed its own legal obligations, policies, and guidelines in the run up and aftermath of the spill," according to a press release from the office of Utah Sen. Mike Lee.

"The chronic, long-term concern is: What will be the effect over years, decades on our communities in Lake Powell, and (San Juan and Kane) counties, as people recreate and people also try to make a living agriculturally?" Reyes said.

While the San Juan River has been cleared by the state for agricultural use, the heavy metals brought with the spill have settled on the river bottom. On the lake bottom, in the case of Lake Powell, Reyes said, there's still a significant amount of lead, arsenic, zinc, mercury and cadmium left behind.

"These metals are toxic to trout and other species in the concentration we believe may exist," the attorney general said.

As for the short-term impacts of the spill, he said:

It disrupted and halted recreation, swimming, boating, fishing. It's impacted irrigation, farming and ranching, tourism and our recreation-based economy.

As for who will pay bill for potential damages, Reyes said, his office is looking into potential legal action.

"Who pays the costs for that? How is that going to get taken care of?" he said." I don't think the state of Utah should bear that cost much, if at all."

**From:** Bressler, Lindsey
**Sent:** Friday, August 21, 2015 10:09 AM
**Subject:** RE: CO Mine Spill Clips - 8/21

**Associated Press (via ABC News)**

http://abcnews.go.com/Technology/wireStory/epa-downplays-dangers-mine-spill-concerns-

linger-33215284?singlePage=true

EPA Downplays Dangers of Mine Spill, but Concerns Linger

Aug 20, 2015, 7:55 PM ET

By MATTHEW BROWN Associated Press

More than two weeks after a mine spill fouled waterways in several Western states, officials expressed concern Thursday over the long-term effects of contaminated river bottoms as the federal agency that triggered the accident downplayed the dangers.

U.S. Environmental Protection Agency workers released more than 3 million gallons of contaminated water Aug. 5 while investigating an inactive mine site near Silverton, Colorado. The spill prompted the shutdown of public drinking-water systems and left rivers in the region tinged a disturbing yellow-orange color that has since faded.

The EPA said in recent days that poisons including lead and thallium have been detected in river sediment samples collected from the Animas River, which travels from Colorado into northern New Mexico, joining the San Juan River before emptying into Lake Powell along the Utah-Arizona border.

In Colorado, contaminants exceeding drinking-water standards were found in seven private wells out of more than 100 tested, according to the EPA. Details on what contaminants were found and at what concentrations were not disclosed. Officials said Thursday that they would continue to investigate the wells, but noted that it was not clear if the spill was to blame.

EPA officials have repeatedly said sediment contamination was returning to pre-spill levels and no longer threatens recreational river users on the upper Animas or water treatment plants.

But state health officials were more cautious as they attempted to nail down the potential for long-term damage to private drinking wells and aquatic life, from the heavy metals and other

contaminants that dropped out of the passing plume.

Experts warn that sediments could be stirred up from river bottoms by storms or during the annual spring runoff, when snow at high elevations in the Rocky Mountains melts.

The sediment contains thallium, a naturally occurring metal that can cause hair loss and kidney or liver problems, as well as lead, which can delay mental development in children.

"We are concerned about this particular sediment load given how the various constituents in the sediment may continue to affect the stream," Colorado health officials said in a statement released by Jan Stapleman, spokeswoman for the state Department of Public Health and the Environment.

The officials added that there was "ongoing potential for those (private) wells to be affected as the sediment migrates into the groundwater table." It could take years to gather enough data to accurately gauge the extent of problems for fish and other aquatic life, they said.

In Utah, scientists from the state Department of Environmental Quality said tests to date suggested the water in the San Juan River presents little health risk to users. Agency officials said they were turning to a long-term monitoring strategy focusing on sediment and what, if any, steps can be taken to deal with it.

In the interim, Utah health officials warned river visitors not to drink the water and to minimize contact with dirt and sand.

In New Mexico, environmental regulators monitoring the sediment said the threat it posed was an "open question" that required long-term investigation.

After tumbling from the heights of Colorado's Rockies, the Animas slows as it enters New Mexico, allowing more sediment to drop out of the water column and onto the river bottom, said

Bruce Yurdin, a water quality expert with the New Mexico Environment Department.

Contaminants can be taken up by insects living on the bottom, which are then consumed by fish and ultimately by people fishing on the popular waterway.

Yet it could be difficult to distinguish problems caused by the EPA's spill from the long history of contamination flowing from upstream mines, Yurdin said.

Thirty-eight private water wells have been sampled in New Mexico, according to the EPA. Results of those tests were not provided.

Arizona wildlife officials planned to test the tissue of fish from Lake Powell for potential contaminants.

Despite repeated requests from The Associated Press, the EPA has not released further information on the pre-spill contamination levels in the Animas and San Juan rivers, which would shed light on how much things have changed.

EPA spokeswoman Lisa McClain-Vanderpool said the agency planned to release more information on sediments soon.

Navajo President Russell Begaye visited Silverton over the weekend and poured water over sediment settling on the banks of the river. He watched as yellowish sediment flowed over the rocks and downstream.

"These are things I'm concerned about, is what happens when the rain comes," Begaye said in a video posted on his office's Facebook page.

Tribal spokesman Mihio Manus said the president was considering lifting an advisory Saturday against using the San Juan River for irrigation. The EPA planned to end water deliveries for agriculture to the reservation on Friday.

The Interior Department, which is conducting an independent review of the spill at the EPA's request, said Thursday that it expects to deliver a final report by late October.

The probe will be overseen by Interior's Bureau of Reclamation.

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Associated Press writer Felicia Fonseca in Flagstaff, Arizona, contributed to this report.

**Associated Press (via KTAR News, AZ)**

http://ktar.com/2015/08/20/officials-phoenix-area-river-water-quality-normal-after-toxic-mine-spill/

**Officials: Phoenix-area river water quality normal after toxic mine spill**

August 20, 2015 @ 6:27 pm

FLAGSTAFF, Ariz. — The quality of San Juan River water on the Navajo Nation has returned to what it was before a spill at a Colorado gold mine sent toxic sludge into the waterway, federal officials said Thursday.

The testing by the U.S. Environmental Protection Agency along with that of the Navajo EPA has prompted tribal President Russell Begaye to consider lifting an advisory against using the river to water crops.

Begaye has said he would not advise hundreds of farmers on the Navajo Nation to do so until the tribe's own testing declared the river safe.

Those results will be provided at a meeting later in the day with farmers in Shiprock, New Mexico, tribal spokesman Mihio Manus said.

The U.S. Environmental Protection Agency said testing of surface water collected over a week in Hogback, New Mexico, showed water quality at the same levels as those measured before the mine waste reached the reservation. The agency has taken full responsibility for the Aug. 5 spill at the Gold King Mine.

Manus said Begaye will talk with farmers about flushing irrigation canals and possibly opening them up this weekend. The EPA said it will provide technical assistance.

Hundreds of Navajos farm along the San Juan River grow squash, melons, corn and other crops to sustain their families and to sell at roadside stands and a tribal fair in October in Shiprock.

After the spill, federal agencies, including the EPA and the U.S. Bureau of Indian Affairs, arranged for water to be hauled to tribal communities and hay to be delivered for livestock.

Not all the water has been welcomed.

Shiprock farm board member Joe Ben Jr. complained that water coming from tanks delivered by an EPA contractor contained oil and didn't smell right.

Begaye and Navajo Attorney General Ethel Branch went to Shiprock to look at the tanks a day after farmers voted to reject the water. Branch and Begaye placed their hands inside the area where hoses hook up to the tanks, and their hands came out partially black, according to a video the president's office posted on its Facebook page.

"That is clearly oil," Branch said. "We don't trust the EPA to be here. They need to get out of our nation, send the dollars directly here. Let us take care of these issues ourselves because we care about the health and welfare of our people."

Manus said tribal officials were testing the water from three of the tanks that were being held by tribal police.

The EPA said it would provide an alternate water source from within the reservation but didn't directly address questions regarding the holding tanks. One EPA contractor, Triple S Trucking, said the tanks were cleaned before being delivered to the reservation.

EPA Administrator Gina McCarthy and Begaye spoke Wednesday about water quality in the river and agreed to have EPA cease water deliveries Friday for agricultural use on the reservation, the EPA and Manus said. The agency said it would work with the Navajo Nation on a monitoring plan for the river.

Ben said he wouldn't support a return to using the canals to water crops because not enough is known about the impact to the soil.

Messages left with farm board members in Hogback and Cudeii, two other tribal communities where farmers rely on river water, weren't immediately returned.

"The testing that was done was surface testing, no subsurface testing, also sediment testing," Ben said. "And never any information about the long-term and short-term effects of these toxins in our water."

New Mexico environment officials said Thursday they are planning another water-testing fair for residents next week and the results from previous tests have been mailed to about 570 private well owners.

While those tests didn't focus on heavy metals, officials said the results of more extensive testing of more than 100 wells in the Animas valley will be released by the EPA in the coming weeks.

**The Atlantic**

http://www.theatlantic.com/national/archive/2015/08/a-river-runs-yellow/401966/

**A River Runs Yellow**

Colorado's Animas River may be returning to its natural hue, but it is the trout that will indicate how lasting the damage will prove to be.

RICHARD PARKER

8/21/15, 6:03 AM ET

DURANGO, Colo.—Somewhere beneath the turbid, rushing waters of the Animas River are the trout, finning against the current.

After some 3 million gallons of toxic mine water spilled into this big, western river, the economic costs are being tallied by farmers, fly fishing shops, and bankers. Politicians are pointing fingers at each other. It is no accident that federal and Colorado officials have tried to put the best face on disaster. The former actually triggered the incident and the latter have a tourist season to save.

While the Animas disaster avoided immediate and catastrophic results, the ultimate ecological price tag will take longer to figure. The river moves so fast that it swept obvious toxins downstream quickly. Yet the long-term toxicity reached hundreds and, in some cases, thousands of times over what is considered safe for the life beneath the river's surface. That price will be silently calculated over months and years—by the trout.

Summer in the southern Rocky Mountains means many different things to tourists and locals—but to both, it means trout. These swift creatures can be caught by hook, line, and lowly worm or elite dry fly. The road trip to doing so is half the fun of summer, as Colorado author John Gierach wrote: "Just to be on the road is good in a deep American way but to be on the road going fishing is almost too good for words."

But by hanging over a boulder or bridge, trout can be observed, too. They are perfect creatures of their habitats, apex predators in a crystalline world of insects, dace, and crayfish. Trout are flawlessly hydrodynamic, with bullet-shaped snouts and skin so smooth that scales seem to vanish. They hover patiently behind rocks, dart into the swift current for food, or push upstream against massive currents.

Far more than a sportfish, the trout is a living filter, a sample, of the river itself.

It not only rakes hyper-oxygenated water over its gills but soaks up the river itself through the permeable membranes of its body. At the Glenwood fish hatchery in New Mexico, a second-generation hatchery worker, Laura Lee Hammer, explained how too much carbon from an old forest fire can kill. An unusual bloom of nitrogen will cause fish to crowd a raceway to avoid contact, she said: "They're like sheep that way." The hatchery assiduously maintains pH levels between 6.0 and 9.0 of acidity.

Yet across the West, thousands of old mines hang like chemical swords of Damocles over the clear, rushing world of the trout. The mine above Durango, Colorado—the Gold King—that spilled its contents earlier this month was shuttered in the 1920s. The mine is just one among 500,000 in the United States. The cost of cleaning them up fewer than 200 hardrock mines alone is estimated between $24 and $54 billion.

But no one—no humans anyway—wants to pay those bills directly, or even indirectly. So, some 50,000 mines linger in a federal backlog, namely in the West, and only one in 10 of these has been repaired. Old mine owners have vanished into history and new owners say they have no responsibility for what took place years ago. In Washington, the mining industry has even sought federal indemnity from future lawsuits.

Yet even before this disaster, the Gold King spelled trouble. The creeks connecting it to the Animas were frequently polluted as water interacted with toxic chemicals which, in turn, leached heavy metals from the rock. The Gold King was such trouble it was a candidate for federal Superfund dollars. But a coalition of local interests reportedly didn't want the stigma that came with federal money; it might frighten off tourists and their money.

After all, the town and the river that ran through it made for a spectacular scene. Big waters teemed with rainbow, cut throat and brown trout just off, say, 32nd Street, a fishery so good that anglers would travel from all over the world. Nearly 100 feet wide in places, the water muscled its way over giant rocks and down into deep holes, so abundant with trout that the state awarded the river its coveted gold metal fishery status.

But trouble appeared last year and it was the trout that told it. Some fish, about 120,000 in recent years, were stocked and some were wild. In 2014, though, state game officials found that the population of fish—particularly young, wild brows, which are perfect monitors of a river's health—had actually declined. This was the first time in nearly 20 years that the river did not meet the state's gold-medal standard. And while the precise cause wasn't clear the eyes of local conservationists turned upward toward the Gold King, by then a troubled wastewater treatment operation poisoning creeks.

Yet nothing was done. So, when a government contractor for the Environmental Protection Agency accidentally breached the Gold King's water on August 5, the giant orange bloom horrified residents and tourists alike. Santa Fe photographer Tim Harman witnessed the bloom from a nearby roadside, recalling: "I just wanted to cry."

In contrast, federal officials were quick to declare that the river was rapidly returning to normal as the visible effects swiftly moved downstream. Of course, that is what big rivers do: They push things downstream. The Animas normally flows at over 500 cubic feet per second. What is left

behind, however, will not be measured as quickly as that visible, orange plume.

Humans can choose not to drink water with arsenic and lead levels 800 and 3,500 times that considered safe. But the fish had no such choice and were exposed to levels of lead, arsenic, and cadmium 200, 24 and six times, respectively, more than what is considered safe. The pH levels reached about 3.5. (Pure water is about a 7.0.) The EPA cheerily claimed that was about the same as coffee— yet most pH charts actually put the water closer to the acidity of vinegar.

And that is twice or three times what hatcheries consider safe for trout. Of even greater concern over the longer term are heavy metals. The Farmington Daily Times reported manganese and iron above safe levels. The Albuquerque Journal estimated that as much as 110 acres of river bottom may be covered in toxic sludge as much as an inch thick. Trout not killed outright in a chemical spill can still record the effects in their flesh; browns, in particular will absorb heavy metals over years.

Yet this river is hardly alone. There are over 1,000 chemical spills in the United States each year. In Pennsylvania nearly a decade ago, a spill into Portage Creek was so toxic that desperate trout were seen trying to leap clear of the water; 100 percent of them died in the first few miles of the spill. In Montana, biologists are still trying to understand a 50,000 gallon spill of crude oil into the legendary Yellowstone River.

The county sheriff opened the Animas nine days after the spill yet just in time for the weekend and the tourist season. Oddly, the crowds of kayakers and fly fishermen did not venture down from the bars and restaurants. A local bank offered emergency loans to fly shops and river guides who had, from their own desperation, put their stock up for sale. Yet by Saturday I still counted not a single fly fisherman on a river where they are normally shoulder to shoulder.

But by their health, behavior, appearance—or absence—the trout will tell what really happened here. The trout always tell.

**Colorado Statesman (CO)**

http://coloradostatesman.com/content/996047-colorado-dems-back-mining-reform-gop-focused-good-samaritan-law

**Colorado Dems back mining reform, GOP focused on Good Samaritan law**

8/20/2015

By David O. Williams

Two weeks after the Environmental Protection Agency and contract workers accidentally released 3 million gallons of acid mine waste into the Animas River, federal lawmakers are gearing up for a deluge of debate over how best to solve the problem of thousands of abandoned mines leaching into watersheds all over the West.

Experts on mine waste cleanup efforts expect renewed interest in U.S. Rep. Raul Grijalva's Hardrock Mining Reform and Reclamation Act of 2015, introduced by the Arizona Democrat in January and languishing in committee since February.

Grijalva's bill, which is cosponsored by 25 other Democrats, including Colorado Reps. Jared Polis and Diana DeGette, would require royalties for hardrock mining operations on public lands, create a fund for cleanup of abandoned mines such as the Gold King Mine near Silverton and includes a Good Samaritan provision to absolve third parties of liability for cleanups.

Colorado's Republican lawmakers are focused on Good Samaritan legislation separate from Democratic efforts to reform the 1872 Mining Act, which — unlike coal, oil and gas mining — does not require companies to pay royalties for extracting hardrock minerals such as gold from federal lands.

"We have known for a long time that mining regulations are absurdly outdated and leave many problems for local communities long after mining operations stop," DeGette said in an email

statement to The Colorado Statesman.

"It should not have taken a dramatic event such as Gold King to get western policymakers thinking seriously about these issues," she said. "If we can replace policies from the Ulysses S. Grant administration, we may be able to prevent future disasters and looming threats to the West's special places."

But Republican Rep. Scott Tipton, whose Western Slope district includes the area of the spill, wants to see Good Samaritan legislation only. He sponsored an unsuccessful House version of a bill in the last Congress that former Sen. Mark Udall, a Democrat, introduced in the Senate.

Tipton spokesman Josh Green said Grijalva's bill has little chance of passing in the current Republican-controlled Congress, which reconvenes after Labor Day.

"The Good Samaritan approach is a far more effective way to expedite the cleanup of abandoned mines," Green told The Statesman. "[Tipton] is currently working with community leaders and stakeholders, as well as with Colorado's U.S. Senators, toward a similar solution to address the issue that stands the best chance of passing through Congress."

Good Samaritan legislation would give third-party groups such as state and local governments, nonprofit groups and mining companies binding legal safeguards to remediate abandoned mine sites, many of which date back to the late 19th Century.

Udall tried for years to pass Good Samaritan legislation and reform the 1872 Mining Act, meeting resistance from his own party from former Senate Majority Leader Harry Reid, whose home state of Nevada is one of the most mined in the nation. Udall's successor in the Senate, Republican Cory Gardner, says he'll take up the issue after the break.

"I am working on bipartisan solutions that create a number of tools to jumpstart mitigation and get to work on the long backlog of abandoned mines," Gardner said in a statement to The Statesman. "Each proposal requires careful consideration, but it's time such policies move beyond introduction and actually move into implementation."

New Mexican Democratic Sen. Martin Heinrich told the Albuquerque Journal last week that he'll introduce 1872 Mining Act reform in the Senate this fall. Colorado's Democratic senator, Michael Bennet, told The Statesman he's supported reform efforts in the past and is likely to do so again this session.

"Right now, we're still tackling the immediate health and environmental effects of this spill and investigating the actions that led to the spill," Bennet said. "But it's time to start thinking about the bigger picture and the serious issue of legacy mine contamination in the West.

"We need to consider reforming and updating the Mining Law of 1872 and revisit the Hardrock Mining Act, a bill we supported when it was last introduced in the Senate. We also need to look at long-term water treatment solutions, and we're going to carefully review our Good Samaritan legislation to make sure we safely encourage more cleanup efforts in these areas."

Good Samaritan legislation by itself won't solve the problem, says Lauren Pagel, policy director of the environmental group Earthworks.

"You could have all the good Samaritans in the world, but if there's not enough money to clean up these sites, then they're not going to get cleaned up," said Pagel, whose group backs Grijalva's reform bill, which would require 8 percent royalties for new hardrock mines and 4 percent royalties for existing mines.

"The idea of nonprofits, local and state governments having to bear the burden of the cost is unrealistic," she added. "There may be a few mines that are cleaned up that way, but most nonprofits, local and state governments are pretty strapped for cash, so having that steady stream of funding … is really the best way to get as many of these mines as possible cleaned up."

Stuart Sanderson, president of the Colorado Mining Association trade group, says it's unfair to charge modern mining companies royalties to fund the cleanup of mines abandoned by other companies that did business in a bygone era when reclamation standards were virtually nonexistent. But he says the industry would support Good Samaritan legislation.

"One of the greatest impediments to the cleanup of these old sites is the absence of any kind of legislation authorizing for Good Samaritan site remediation," said Sanderson, who wants the modern industry absolved of liability so it can clean up old mines.

"Companies are discouraged from going in and reclaiming these sites because the federal laws, including the Clean Water Act, impose blanket liability for all site conditions," he added. "In other words, once you touch that site you bought all the liabilities going back to 1890 — all the way back to the very first time that ore was extracted — and that's just not right."

Sanderson blames the EPA for the Gold King fiasco and wants industry experts more involved in cleanup efforts, adding that he believes environmental groups are using the situation to revisit mining reform.

"It doesn't surprise me that the groups that are opposed to mining are trying to politicize this debate by opening up the mining law," Sanderson said. "The environmental groups have insisted upon punitive royalties and other provisions in mining law legislation that would essentially discourage mining on public lands."

**Colorado Statesman (CO)**

http://coloradostatesman.com/content/996043-conservative-free-market-groups-blast-epa-air-quality-regulations

**Conservative, free-market groups blast EPA air-quality regulations**

8/20/2015

By Valerie Richardson

With the Environmental Protection Agency already reeling from criticism over the Animas River spill, free-market groups are taking advantage of the agency's muddied reputation to blast its recent spate of air-quality regulations.

The Denver-based Independence Institute released a poll Monday showing that the majority of Colorado voters surveyed agree that the EPA's Clean Power Plan is more likely to hurt than help the state's environment. The poll shows residents would oppose the plan if it results in higher electricity bills and believe Colorado already enjoys a clean environment.

Meanwhile, the Colorado Association of Commerce and Industry and the National Association of Manufacturers debuted a multi-million-dollar national ad campaign in Denver last week targeting the EPA's ozone rule, warning that regulations would kill jobs and increase traffic congestion in the state.

A report released alongside the ads by the Center for Regulatory Studies highlighted opposition to the ozone rule in Colorado from Democrats as well as Republicans.

"The sheer volume of bipartisan commentary opposing the proposed ozone reduction is particularly eye-opening in these normally contentious times, and shows a break with the EPA on new regulations," said a post by the Independence Institute's Energy Policy Center. "The ozone rule might be a step too far following so closely behind the (Clean Power Plan)."

The two federal initiatives — targeting carbon dioxide and ozone — are part of an ambitious push by the Obama administration to improve air quality and lower greenhouse-gas emissions, which has won support from environmental groups, including Conservation Colorado.

"The EPA's Clean Power Plan is a state-oriented flexible plan to limit carbon pollution, the leading contributor to climate change," said the group in a statement shortly after the final plan was unveiled earlier this month. "Many Coloradans are already feeling the effects of climate change through increased forest fires, droughts, and impacts to Coloradans' clean air, public health, and future water supplies."

But opponents have criticized the proposal, which could force coal-fired plants to undergo expensive upgrades or shut down, as a costly federal mandate that will jack up electricity prices while barely moving the needle on global temperatures.

In the Independence Institute poll, conducted Aug. 8-9 by Magellan Strategies, 59 percent of those surveyed said they would oppose the plan if it resulted in rate increases, as opposed to 33 percent who said they would not.

More than half — 52 percent — agreed that regulations from Washington, D.C., hurt the economy more than help it, while 35 percent said federal regulations help. Those percentages flipped when it came to Colorado regulations, with 48 percent saying they help.

Those responding also said they would be less likely to support the Clean Power Plan, by 51 to 37 percent, knowing the EPA has estimated it would result in a 0.02-degree Celsius reduction in global temperatures when fully implemented.

In addition, 53 percent said they would favor Colorado joining a lawsuit filed by 16 states against the plan. Colorado Attorney General Cynthia Coffman has said she's weighing whether to do so, while Gov. John Hickenlooper has been generally supportive of the plan's goals.

The ozone rule in particular, has some Colorado lawmakers fuming over the EPA's decision to give Colorado until 2030 to reduce ozone output by a whopping 40 percent, even though Colorado has been a leader in reducing ozone thanks to state efforts.

"After the great progress we have made on air quality, our state should be praised, not punished," state Sen. Cheri Jahn, D-Wheat Ridge, said in a report released last week by the Center for Regulatory Solutions.

The study includes a poll conducted for CACI and NAM showing that 76 percent of Coloradans say their air quality is good or excellent, and that twice as many see improving economic growth

as a bigger priority that reducing air pollution.

The center's report showed that at least 15 Colorado counties accounting for 89 percent of the state's economic output — mainly along the Front Range — would be out of compliance with the federal ozone rule.

"This is a concern, obviously, for the overall competitiveness of the Colorado economy, it's a concern for consumers for example in terms of costs, but it very much is a concern of small businesses who overwhelming populate these key industries that have driven growth in Colorado," said Raymond Keating, the center's chief economist.

"The bottom line here is that this effectively is a federal cap on economic development, including small business growth and job growth in the state," he said.

EPA administrator Gina McCarthy has argued that the tougher ozone rule, which lowers the current standard from 75 to 66 parts per billion, would reduce the risk of asthma and lung damage, making communities more attractive to business.

"Special-interest critics will try to convince you that pollution standards chase away local jobs and businesses, but, in fact, healthy communities attract new businesses, new investment, and new jobs," she wrote in a November article defending the standards.

A number of Colorado legislators have called on the EPA to keep its 2008 ozone targets, which have not yet been fully implemented, before setting new standards.

As for traffic, the ozone limits would force a delay of state and federal road and highway projects, adding an estimated 4.5 to 9 million traffic-hours per year in the Denver metro area, according to the report.

**Denver Post (CO)**

http://www.denverpost.com/ci_28677187/plan-clean-up-gold-king-mine-area-stymied

**Plan for clean-up of Gold King Mine area stymied for years**

Good Samaritan pilot program would have sought to clean up watershed

By Mark K. Matthews

POSTED: 08/21/2015 12:01:00 AM MDT UPDATED: ABOUT 2 HOURS AGO

WASHINGTON — Twice in the mid-2000s, a program intended to clean up the mine-fouled waterways in the region around the Gold King Mine failed to find traction in Congress, where a fight between miners and environmentalists kept the idea from going forward.

The legislation proposed by U.S. Reps. Scott McInnis and John Salazar in 2003 and 2006, respectively, would have created a pilot program in the Animas River watershed that would allow so-called good Samaritan groups to clean up polluted mines without fear of long-term liability.

Had that program been in place, it may not have prevented the disaster inadvertently triggered by the Environmental Protection Agency. The spill released more than 3 million gallons of toxic waste into the river, which runs through the heart of Durango, and polluted waters downstream in New Mexico and Utah.

But the program was aimed at getting a start on cleaning up waste from old mines in the area and could have at least lowered pre-spill levels of contaminants that have killed stretches in the watershed.

Advocates of good Samaritan legislation say the failed attempts were emblematic of a long-running fight in Congress, spearheaded by Colorado legislators, to find a way to deal with thousands of defunct and dirty mines in the West.

And now two lawmakers from the state want to try again.

Yet the latest effort by U.S. Sen. Michael Bennet and U.S. Rep. Scott Tipton is likely to run into many of the same obstacles that have killed similar good Samaritan bills at least a dozen times over the past two decades.

The reasons for the repeated failure are manifold.

Although the basic premise of the Good Samaritan law is simple — it would shield outside groups from liability when cleaning up a mine — the idea repeatedly has fallen victim to a grudge match between environmentalists and the mining industry.

And with Bennet, a Democrat, and Tipton, a Republican, looking to take up the mantle again in the next couple months, insiders are worried their effort could hit the same brick wall and continue the same destructive status quo.

According to one estimate, old mines in Colorado leak at least the equivalent of one Gold King Mine disaster every two days; many of these sites could be helped with new federal legislation.

"This has a long history, and I don't just mean the Good Samaritan bill," said Doug Young, who tackled the issue when he was a staffer with former U.S. Sen. Mark Udall, a Colorado Democrat.

The problem Udall and others have sought to fix is one of liability. Across Colorado and the West, there are thousands of abandoned mines in which no one is responsible for the cleanup; either the company went out of business or the culprit can't be found.

In those cases, organizations such as Trout Unlimited, a conservation group, have suggested third-party groups be allowed to help fix the mines. But these advocates are worried a cleanup campaign would force them to put too much on the line.

Under current environmental law, a third-party group could be held liable for future pollution once it began to clean up a mine — an enormous financial risk.

"There are disincentives that send Good Samaritans running in the opposite direction," said Ty Churchwell of Trout Unlimited.

And so he and others have asked lawmakers such as Udall to write legislation that would shield them from this liability.

But some environmentalists have warned that the issue isn't that simple.

They view Good Samaritan bills as either a wasted effort or a Trojan Horse that would pave the way for more mining.

"There is no point in having Good Samaritan legislation if there is no money to pay for the cleanup of these mines," said Lauren Pagel, policy director for Earthworks.

Instead, she wants legislation that would force hard-rock mining companies to pay into a fund that would cover the cost of these reclamation efforts.

Pagel also warned that giving Good Samaritans a shield from liability was an approach that ultimately could be manipulated by the mining industry, either to do more mining or to protect itself from future responsibility.

"If the mining industry is not willing to pay anything — and they want a slew of liability waivers — that is a non-starter," she said.

Stuart Sanderson, president of the Colorado Mining Association, sees it differently.

He said it was self-defeating to deny the mining industry a chance to take part in cleanup.

Not only is recovery work expensive, but the effort could benefit from the knowledge and equipment that miners could provide — especially when set against the recent spill at the Gold King Mine.

"If the events of the past few weeks have proven anything, it is (that) limiting participation to the EPA and government is not sufficient, nor does it always achieve the right results, as we have seen in dramatic fashion," he said.

He also said it made sense that modern mining companies be allowed to excavate cleanup areas. Otherwise what financial incentive did they have in fixing sites in which they had no responsibility?

"If there are any mineable reserves, why not take those resources?" he asked.

In spite of the impasse, potential Good Samaritans are not completely out of luck. Right now, the EPA has in place a process that would allow Good Samaritans to do much — if not all — the work lawmakers have tried to prescribe in legislation.

Agency officials, however, did not respond to repeated requests to provide more information about the program, namely how often it's been used in the past several years.

But advocates of a legislative fix warn there is still a danger of liability — in spite of the EPA program. And irrespective of funding concerns, a Good Samaritan bill can enable good conservation, they say.

Years of past futility, however, have not stopped Bennet and Tipton from taking another shot. Bennet and Tipton started to work months ago on their own version of the Good Samaritan bill.

The language is under negotiation, but both camps said the focus would be narrower than Udall's national approach and would echo the pilot-program idea of McInnis and Salazar.

The thinking is that a bite-size bill would have a better chance of passage. "We have seen in the past that Good Samaritan legislation is a fairly heavy lift," Tipton said.

Tipton said he and Bennet are deciding which area they would target for the pilot program, although the Gold King Mine area was a "sensible starting point."

Even so, Tipton acknowledged the fight won't be easy.

"You learn pretty quickly in Congress that nothing is going to move very quickly," he said.

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150820/NEWS01/150829964/Second-EPA-community-meeting-draws-about-150-people-

**Residents get water-quality assurance after Gold King Mine spill**

Issue-related breakout tables give Durangoans specific information

By Ann Butler Herald staff writer

Article Last Updated: Thursday, August 20, 2015 10:26pm

Four days after the Gold King Mine spill, more than 600 area residents attended a community meeting full of anger and pointed fingers.

On Thursday night, the turnout was far diminished, with about 150 people showing up at Miller Middle School to get the latest updates, responding with applause to local officials talking about their efforts to make sure our water supply is safe.

After explaining the testing at every stage the city of Durango is doing on water pulled from the Animas River, Mayor Dean Brookie said, "I can assure you that the water coming out of your tap has been more highly tested than any bottle of water on the shelves of City Market."

One questioner asked why the city didn't wait until the spring runoff before turning on its Animas River intake.

"Because testing from three different agencies said it was safe to turn it on now," Brookie said, "and major summer users such as Durango Parks and (Recreation), School District 9-R, (Fort Lewis College) and Hillcrest Golf (Club) were pressing for water to take care of their grounds."

"There's been so much attention; it's been so dramatic, and all that attention may be out of proportion with what we're dealing with here," one woman said. "People are acting as though this were at the level of the Love Canal or Gulf (Coast) oil spill, and it's not."

Others spoke of the need for healing between San Juan and La Plata counties, were angered that testing results are difficult to understand for lay people, and some wondered if all the Environmental Protection Agency is going to do is test and wait for high-water events to wash the sediment down river.

"No, we're working up at the mine site so the drainage doesn't continue," said David Ostrander, program director for the EPA's Preparedness, Assessment and Emergency Response.

In addition to giving residents updates from the EPA, La Plata County, Colorado Department of Public Health and Environment, San Juan Basin Health Department and other agencies, the meeting allowed residents to get information at breakout tables about specific issues.

The most highly swarmed table was addressing environmental monitoring and water safety, which included representatives from Colorado Parks and Wildlife, EPA and the state health department. It was mentioned in the auditorium that two beavers had been found dead.

"They've been sent to Grand Junction to be tested," Parks and Wildlife spokesman Joe Lewandowski said, adding there was no obvious reason for their deaths. "After a dead fish was found near Santa Rita Park last Thursday, we floated from 32nd Street to the High Bridge and found six more. They've also been sent for testing. I don't want to underplay what's happened, but fish die, just like people die."

EPA toxicologist Kristen Keteles was one of the most popular scientists at the meeting.

"I keep telling people ... that the dose makes the poison," she said. "Even water can be toxic if you drink enough. And people are getting more arsenic if they drink apple juice or more mercury if they eat tuna than they'll get from the Animas River. We can't eliminate chemicals entirely."

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150820/NEWS01/150829993/

**Contributions to emergency-relief fund are growing**

Article Last Updated: Thursday, August 20, 2015 10:26pm

Money has started flowing into the Community Emergency Relief Fund since it was reopened over the weekend by the Durango Business Improvement District and Community Foundation Serving Southwest Colorado.

The fund had a balance of $28,000 when it was reopened, but Tim Walsworth, executive director of BID, said that wouldn't be nearly enough considering the number of people who would need help with immediate expenses such as rent, groceries and utilities after the Animas River spill.

A number of businesses have stepped up, including La Plata Electric Association Round Up Foundation, $4,000; Nature's Oasis, $500; Bank of Colorado, $2,500; and First National Bank of Durango, $5,000.

Steamworks Brewing Co. and El Moro Spirits & Tavern are planning fundraising events at both restaurants Sept. 2. The Bootleggers Society is brewing a special beer to benefit the fund. Hopefully, it won't have a Tang-orange-colored label, but then again, maybe it should.

Applications have also begun coming in rapidly, Walsworth said.

Herald Staff

**The Gazette (CO):**

http://gazette.com/guest-column-colorado-should-not-comply-with-the-epas-clean-power-plan/article/1557797

**GUEST COLUMN: Colorado should not comply with the EPA's Clean Power Plan**

Erik Telford

On Aug. 3, President Barack Obama laid out the final version of the Environmental Protection Agency's Clean Power Plan. In the wake of the EPA's role in the Animas River disaster, which so far has dumped 3 million gallons of wastewater into the river, Coloradans should rightfully be wary of the way the EPA will implement the Clean Power Plan - and according to new polling, they are.

While Obama and EPA head Gina McCarthy have been busy touting the potential benefits of the Clean Power Plan, both have ignored the very real costs it will impose on coal-powered states, like Colorado.

Polling commissioned by the Independence Institute, a free-market think tank, found that 65 percent of Coloradans rated their state's environmental quality "very good" or "excellent." A different poll conducted by the Colorado Association of Commerce and Industry and the National Association of Manufacturers found that 76 percent of registered voters rated Colorado's air quality as "good" or "excellent."

If an overwhelming majority of residents in Colorado already think the environmental and air quality in the state are fine, then why is there a need for heavy-handed federal regulations that could come with several negative externalities?

A majority of Coloradans are skeptical of the Clean Power Plan when presented with the likely negative impacts if it's implemented.

The Independent Institute's poll found that 59 percent of Colorado residents are more likely to oppose the Clean Power Plan if the rule resulted in electricity bill increases - which it is expected to do. In a preliminary analysis of the Clean Power Plan, the group NERA Economic Consulting calculated that the new regulations could increase retail electricity prices between 12 to 17 percent - which translates to as much as $240 more per year for electricity.

Fifty-five percent of those surveyed said they would oppose the plan if it meant increased poverty rates in black and Hispanic communities - which is likely according to the National Black Chamber of Commerce. In a recent op-ed, Harry Alford, president of the Chamber, ripped the Clean Power Plan, saying it would lead to job losses, lower incomes and higher poverty for minorities. A study conducted by the Chamber found that by 2030 the Clean Power Plan will lead to $565 billion in higher annual electricity costs.

By raising energy prices, the EPA rule will make essential items more expensive because having higher electricity costs doesn't just mean a higher utility bill; it means higher prices on food, clothing and any other item you buy from a store that uses electricity. Lower- and fixed-income individuals spend a greater percentage of their income on electricity and essential items, so they would be negatively affected at a much greater rate.

In 2013, 64 percent of electricity generated in Colorado came from coal. The state ranks 11th in the country in terms of coal production, according to the U.S. Energy Information Administration.

Colorado is without a doubt a coal-powered state, but as the surveys show, the state and coal plants in the state have done a really good job at keeping pollution levels down and the environmental quality in Colorado high.

The EPA's plan seeks to reduce the nation's carbon emissions 32 percent by 2030. In order for Colorado to be compliant, it would need to reduce its emissions by 40 percent, since it is a larger producer of these emissions.

The EPA is seeking to accomplish this by forcing state environmental protection agencies to develop plans on how they will reduce the amount of carbon emissions produced in their states, and then having the state agencies send those plans to the federal EPA in Washington, D.C., so that they can enforce the implementation of the plans. The EPA is demanding that plans be submitted to them by 2022.

But with so many residents rightfully concerned about the negative impacts of the Clean Power Plan, many are wondering what Colorado's options are moving forward.

The best option for states, particularly in coal country, would be to not comply with the EPA's mandate and not submit carbon emission reduction plans.

Attorneys general in 16 states have joined a lawsuit challenging the EPA's ruling, and submitting plans to the EPA while waiting for the litigation to play out would undermine the legal challenges against the Clean Power Plan. Colorado's attorney general, Cynthia Coffman, has not decided on whether or not the state will join the multistate lawsuit against the EPA, but Democratic Gov. John Hickenlooper has said in the past that he will direct state officials to comply with the EPA's Clean Power Plan rules.

Nearly 6 out of 10 surveyed in the Independence Institute poll said the state should wait to comply, and half of those surveyed said the state should at least determine the cost of compliance before complying.

Gov. Hickenlooper should listen to the residents of the state and not submit a carbon emission reduction plan to the EPA. The Clean Power Plan represents an unprecedented overreach into state electricity production affairs by the federal government. With Coloradans still wondering what exactly the EPA was thinking when it dumped millions of gallons of wastewater into the Animas River, they are rightfully hesitant to embrace officials from outside the state meddling in their environmental affairs. Regardless of the EPA's role in the Animas disaster, the Clean Power Plan is bad public policy that will raise the price of electricity in Colorado and make life more difficult for the most vulnerable residents of the state.

**KOAT Channel 7 News Albuquerque (NM)**

http://www.koat.com/news/navajo-nation-says-epa-relief-water-is-dirty/34833512

**Navajo Nation says EPA relief water is dirty**

Nation plans to sue agency

By Royale Da

UPDATED 7:59 PM MDT Aug 20, 2015

NAVAJO NATION —Navajo Nation officials say water delivered under the supervision of the Environmental Protection Agency is tainted with some type of oily substance.

Water restrictions are still in place on the reservation after a mine spill sent toxic metals floating down the Animas River and into the San Juan River. It's water Navajo farmers and ranchers rely on.

After repeated attempts to speak with the EPA, David Gray sent a statement to Action 7 News. It says this was the only complaint the EPA got about the tanks.

Gray said nine tanks were taken to the Shiprock area by an Aztec trucking company, and according to the contractor, they were steam cleaned and inspected prior to going there.

Requests for an interview with Gray were ignored. KOAT wants to know how the EPA picked the trucking company and if the agency holds itself accountable for the workers they hire to deliver EPA water.

Meanwhile, three tanks have been seized by Navajo police, and the Navajo Nation president says his government plans to sue the agency.

**Santa Fe New Mexican (NM)**

http://www.santafenewmexican.com/news/local_news/red-river-comeback-contrasts-animas-mess/article_7173bc15-8ba7-56d4-bd58-c453ce2631cc.html

Red River 'comeback' contrasts Animas mess

Posted: Thursday, August 20, 2015 8:00 pm | Updated: 12:11 am, Fri Aug 21, 2015.

By J.R. Logan

TAOS — For almost half a century, Taylor Streit has been harassing trout on the Red River. And for much of that time, he also was harassing officials at the Questa molybdenum mine — a major contributor of toxic contamination that would periodically wipe out one of his favorite fisheries.

So when Streit saw the Animas River turn to Tang-colored sludge a couple of weeks ago, it reminded him of the way the Red River turns a milky blue when a summer monsoon pounds the mountains above Questa, dumping loads of heavy metals into the water.

Streit never hid his contempt for the mine. In the 1970s, he was part of a vocal group — Concerned Citizens of Questa — that fought to hold the industry accountable for the environmental disaster it created.

But today, Streit's scorn has mellowed. The Red River isn't perfect, but it's getting a lot more love. Water quality is better, and there is a solid plan to spend hundreds of millions of dollars to take care of decades of mine waste that once threatened to decimate the watershed. Fishing parks are even popping up in areas that once were written off as dead water.

"The grudge is gone," Streit says. "It's a whole new thing now. The Red has been a remarkable comeback story."

The progress around Questa is brought into better focus in the wake of the spill at Gold King Mine — one of hundreds of abandoned or potentially harmful mines near Silverton, Colo. Some experts think efforts to adopt more progressive mining laws, as well as the decision 15 years ago to allow the U.S. Environmental Protection Agency to get involved in Questa, have been the difference between slow but steady improvements on the Red River, and the wave of orange muck on the Animas.

Twenty years ago, Questa and Silverton shared a lot of similarities. The mining industry had long been a mainstay of the local economies. Both areas also were suffering environmental degradation believed to be, at least in part, the industry's fault.

In the mid-'90s, the EPA was gingerly poking around in both locations while gauging the appetite for agency involvement in some kind of cleanup.

Under the federal Superfund program, established in 1980, the EPA has the authority and vast resources to address hazardous waste sites, and to hold the parities that created the mess

responsible for the cleanup. It's a proven tool for remediation, but it often takes a very long time and is very expensive. Plus, Superfund involves the sometimes heavy-handed intervention of the federal government, which can rub local leaders in rural areas the wrong way.

With a Superfund listing looming, both communities first tried to find a resolution locally. In Silverton, representatives of local and state government, the mining industry and environmental groups formed the Animas River Stakeholders Group, hoping to improve water quality while avoiding Superfund status.

"Most of the stakeholders thought that such a designation would lead to lots of litigation, reduced property values, distrust and resources going to attorneys and consultants as opposed to on the ground projects that might improve water quality," the group's website reads. That group still meets regularly and has had some success at improving water quality while dodging Superfund designation. This month's spill was an obvious setback.

In Questa, state regulators made efforts to negotiate a deal with the mine's then-owner, Molycorp. At the time, both reportedly feared Superfund status would mean a longer and more costly cleanup. But when those talks fell through, then-Gov. Gary Johnson — a Republican — called in the big guns. "I hearby concur that EPA should place the Molycorp mine in Questa, New Mexico on the [Superfund list] for cleanup," Johnson wrote in a letter to the EPA. With the governor's blessing, federal regulators stepped in.

Jim Kuipers, a Montana-based consultant on mine-related environmental and reclamation issues, thinks that decision set Questa on a very different and ultimately fruitful path toward recovery. Kuipers has been offering technical advice at Questa for almost 20 years, and he says he's intimately familiar with the situation facing Silverton.

In the mid-'90s, Kuipers said, the potential for massive contamination coming from the Questa mine was enormous. Studies have shown some of the pollution is naturally occurring, but most conclude that mine waste was a major contributor. But Molycorp had refused to accept any responsibility for heavy metals polluting the river.

At Silverton and Questa, the primary cause of mine-related pollution is acid mine drainage. Disturbance caused by mining exposes iron sulfide — pyrite — to the elements. When iron sulfide combines with water and air, it creates sulfuric acid. The acid then leaches through the surrounding rock, dissolving other harmful metals, which can then pollute surface and groundwater.

If Molycorp had gone belly up, or simply abandoned the mine, Kuipers said, the underground workings would fill with a toxic brew that would eventually spill over into the Red River watershed, causing damage far greater than that seen this month on the Animas.

To avoid that scenario, Kuipers said, the New Mexico Legislature made great strides by passing the New Mexico Mining Act in 1993. The act clamped down on mine operators, requiring them to put up a cash bond meant to cover the cost of reclaiming a mine site in case a company later refused to do the cleanup work. The new law also required operators to have a plan in place to

close a mine when and if it ceased operations.

"New Mexico really got its act together," Kuipers said, adding that Colorado law is far less progressive when it comes to holding mining companies accountable for their messes. Even with the act, Kuipers said, problems at the Questa mine probably wouldn't have been addressed without the EPA's involvement. If the state had tried to hold the company to task on its own, it would have been bogged down in an endless legal battle that still might not be resolved, he said. "When EPA showed up, it's not like everyone was thrilled. But there was a recognition that, without EPA's authority, it wouldn't get done."

In the subsequent 15 years, the EPA has forced the mine owner to the table and has set in motion an $800 million cleanup that will be paid for on the company's dime. Kuipers said the Superfund process quantified how much damage the mine caused, and how much it would have to clean up.

A deal was reached, but that discussion has sometimes been far from amiable. In fact, current mine owner Chevron is still suing the U.S. government, asserting that federal officials are partially responsible for the mess because they goaded the mine to develop more ore when the country needed more molybdenum. "Folks duked it out, but the result has been pretty good," Kuipers said.

There are parts of the Questa situation that make it a much simpler puzzle to solve. First, Chevron is among the most powerful and wealthy corporations on the planet. A little mine in New Mexico is only a footnote in its global portfolio, and it has deep enough pockets to cover the hundreds of millions of dollars it's going to take to finish the decades of reclamation that still lie ahead.

The situation in Silverton is more complicated. First, ownership of the area's myriad mines is far more diverse, meaning the EPA would have to try to hold several parties responsible for cleanup costs. In some cases, there might not be anyone who could be held to account for pollution emanating from a specific abandoned mine.

Local resistance also has been fierce. Until very recently, few in Silverton were willing to suggest the EPA should order a full-blown Superfund approach. They worry that Superfund designation would hurt tourism, or slam shut the door to future mining in the area. And since it was the agency that caused the spill this month, there are plenty who think the feds are not up to the job. At the same time, there are mounting reports of Silverton residents who have voiced support for Superfund. That, combined with pressure from communities downstream that felt the brunt of the spill, could set that community on a different path.

It's worth noting that the Questa mine was an unusual Superfund case because it was, until last summer, an operating mine. Chevron officials insist the government-mandated reclamation had nothing to do with their decision to close the mine permanently.

Those who've been fighting to protect the Red River, meanwhile, are thankful to have gotten what they consider a head start. "There are still a lot of details to be ironed out in terms of specific remedies on the ground, but I think we're in a lot better position here than they are on

the Animas River," said Rachel Conn, interim executive director of Taos-based environmental group Amigos Bravos. "At least we're partway down that process and beginning to look at remedies. But a lot of those remedies still have to be implemented."

This story first appeared in The Taos News, a sister paper of The Santa Fe New Mexican.

**St. Lake City Tribune (UT)**

http://www.sltrib.com/opinion/2856633-155/letter-kennecott-leaked-a-gold-king

**Letter: Kennecott leaked a Gold King mine spill every day**

August 21, 2015, 9:00 AM EST

In the midst of Utah's official outcry over the 3 million gallon mine spill from a southwest Colorado mine, we have been living for decades, very quietly, with a much, much larger acid mine drainage spill here in our own valley.

By their own consultant's calculations, Kennecott Utah Copper released collected contaminated water below the mine waste rock dumps that we see out our west-facing windows at an average rate of 1 million to 7 million gallons per day for about 37 years between 1965 and 1992.

The Large Bingham Reservoir, adjacent to Copperton, gathered acidic and storm runoff from the dumps (not all, but most), but the old reservoir leaked like a sieve. So, the Gold King Mine spill was matched by Kennecott in just a few hours, every day, day after day, and exceeded in acidity. Like an acid mine drainage Groundhog Day.

The official solution? "Treat" the water by reverse osmosis both at Kennecott and at the Jordan Valley Water Conservancy District, and send the contaminated "concentrates" to the Great Salt Lake, effectively, sending a half century or more of very low pH water containing the entire periodic table of the elements into nature.

Now, to make a hullabaloo about EPA's accidental "spill" is sophistry, at its worst.

Ivan Weber

Salt Lake City

**Washington Times**

http://www.washingtontimes.com/news/2015/aug/20/mines-owner-i-tried-keep-out-epa-was-threatened/

**Mine's owner says he tried to keep out EPA but was threatened with fines**

By Valerie Richardson

Thursday, August 20, 2015

DENVER — The owner of the Colorado's Gold King Mine says he tried to stop the Environmental Protection Agency from gaining access to his property, but that he relented after the agency threatened to pound him with ruinous fines if he refused.

Mine owner Todd Hennis said that he had little choice four years ago but to allow in an EPA-led crew, which triggered the Aug. 5 blowout that sent 3 million gallons of toxic orange wastewater down the Animas River.

Iconic television host opens up about her secretive lifestyle, how the crowd reacts is awful

"When you are a small guy and you're having a $35,000 a day fine accrue against you, you have to run up the white flag," Mr. Hennis told CBS4 in Denver.

Mr. Hennis said he opposed having the EPA investigate leakage from the inactive mine near Silverton, Colorado, because he had tangled with the agency in previous years over its work at another mine he owns in Leadville, Colorado.

"I said, 'No, I don't want you on my land out of fear that you will create additional pollution like you did in Leadville,'" Mr. Hennis told Colorado Watchdog.org. "They said, 'If you don't give us access within four days, we will fine you $35,000 a day.'"

The EPA has admitted that its agents accidentally unleashed the acidic flood, which has since contaminated the San Juan River in New Mexico and seeped into Lake Powell in Utah, albeit in very low concentrations.

The Interior Department and the EPA's Office of Inspector General are investigating the circumstances leading up to the accident, while at least two House committees are also expected to hold hearings on the spill.

Sens. John McCain, Arizona Republican, and Tom Udall, New Mexico Democrat, sent a letter Tuesday to the Senate Indian Affairs Committee requesting an oversight hearing on the contamination's impact on the Navajo Nation.

**From:** Bressler, Lindsey
**Sent:** Thursday, August 20, 2015 3:40 PM
**Subject:** RE: CO Mine Spill Clips - 8/20

**Cortez Journal (CO)**

http://www.cortezjournal.com/article/20150820/COLUMNISTS66/150829960/Effects-of-toxic-spill-in-Animas-River-linger-and-spread

**Effects of toxic spill in Animas River linger and spread**

Article Last Updated: Thursday, August 20, 2015 12:49pm

By Carole McWilliams

Let's get the evil incompetent EPA!!

They caused the toxic mine spill that turned the Animas River orange before flowing into the San Juan River to affect Aztec, Farmington, and the Navajo Nation.

Actually, no. The EPA and their hapless private contractor may have been the ones at the long-abandoned Gold King Mine when it happened, and there may be plenty to criticize about their response. But it is mining practices from 100 years ago that caused this.

The Animas looks all pretty again. Raft trips are happening again, although probably with a lot fewer customers than they would have otherwise. Irrigation ditches are drawing water from the river again.

But toxic mine waste is still coming out of the Gold King Mine, hundreds of gallons per minute, and from many other abandoned mines above Silverton and any mountain area with a mining heritage. It was happening before the big spill made the national news.

The Gold King Mine water is now being collected in ponds and treated. So why wasn't that done before? Lack of funding? Or it just takes a disaster before anything gets done?

One good outcome of the big spill is that more people now are aware of mine pollution, so maybe more will be done to address the problem. But a not-so-good outcome is the anecdotal reports of the effects on tourism from the Gold King Mine spill and how that could continue well beyond this summer for the whole area, not just Durango or Silverton.

Prospective visitors don't distinguish between the Animas drainage and Vallecito, for instance, which is a separate river drainage.

Like them or not, tourists are an essential part of the local economy. It will be interesting to see sales tax figures for Durango and the county for July and August after the spill. Sales in Durango are part of county sales tax. A share of county sales tax is a major revenue source for Bayfield and Ignacio, so they will be affected too.

The EPA says people, businesses, and local governments can apply for compensation for their economic losses. Applying is one thing. Actually getting compensation is another. And it's hard to document losses from tourists who don't come, this summer or in the future.

It's ironic that the mining heritage is a big tourist draw in itself. The old mining structures perched on mountain ledges are fascinating and amazing. But the toxic legacy is extremely expensive to fix, if it can be fixed. That cost is falling on us, not the long-gone mine operators.

It's also ironic that people who love to bash the EPA are now pulling a bait and switch to use the mine spill as justification to block the EPA from imposing tighter rules on coal-fired power plants, methane emissions from oil and gas wells, and other efforts to keep us from passing a toxic legacy of human-caused global climate change to future generations.

**Cortez Journal (CO)**

http://www.cortezjournal.com/article/20150820/NEWS01/150829998/Tipton-gets-earful-in-town

**Tipton gets earful in town**

He takes on Trump, Animas spill, Iran deal and marijuana

By Tobie Baker

Article Last Updated: Thursday, August 20, 2015 11:48am

On summer recess, Rep. Scott Tipton has traveled across Colorado's 3rd congressional district – Grand Junction, Durango, Glenwood Springs, Aspen, Towaoc, Pueblo and Beaver Creek – to speak to constituents. At a town hall meeting in Cortez on Tuesday, Aug. 18, he faced frustrated voters.

One woman complained that she was threatened with a $1,000 fine if she failed to provide Census officials with personal information.

Montezuma County Commissioner James Lambert complained that federal officials had money to develop travel management plans but lacked money for weed spray.

Veterans complained that bureaucrats get bonuses while they die waiting for their health care.

Another man complained that the U.S. House should shut down the federal government financially instead of providing amnesty for undocumented immigrants.

Wayne Johnson, of the Southwest Colorado Television Translator Association, complained about the potential loss of broadcast capabilities, and a local TV blackout.

Another man complained that the Republican-controlled House and Senate had abandoned voters, giving the president more authority since 2014 than any Democrat before.

"I think you're wrong," Tipton said.

"I'm not wrong," the man countered.

The Cortez Journal asked Tipton to comment about GOP presidential hopeful Donald Trump's ability to tap into voter annoyances at the national level. Tipton replied that the New York real estate mogul and television personality had obviously hit a nerve, but he quickly pivoted away from the querie.

"When we look at the broader field, there's a pretty deep bench out there," said Tipton. "I think Sen. Rubio had it right. We're lucky we have so many candidates, and the Democrats can't find one."

In response, a veteran stood, telling Tipton that no one in Washington, D.C. was being held accountable to voters.

"We're tired," the man said. "We are frustrated."

"I would hate to see some of the repercussions if our leaders don't start leading."

Legislative update

Before the complaints started, the town hall meeting began with a legislative update. Tipton boasted that he had introduced bills that would provide local and state officials more authority to mitigate wildfire threats, protect private property water rights and roll back federal regulations to allow greater flexibility for community banks.

"Nationwide, were spending $2 trillion on regulatory costs," said Tipton. "That makes the cost for a loaf of bread more. It makes the clothes we buy for our kids to go back to school cost more."

Animas River disaster

In regard to the recent Gold King Mine disaster on the Animas River, Tipton was questioned about the other 230 Colorado mines leaking heavy metals into state rivers. The Denver Post has reported that no agency tracks the total discharge from these abandoned mines, which likely

equals to at least one Gold King disaster every two days.

Tipton said "Good Samaritan" legislation was being considered that would make it easier for citizen groups to clean up toxic pollution from abandoned mines.

Marijuana and banking

Asked if he would support pending legislation to remove cannabis from the Controlled Substance Act so bankers could do business with marijuana purveyors, Tipton responded that it was only an issue for states like Colorado, Washington and Oregon.

"This is not on the Top 10 list for the rest of Congress," he said.

Tipton acknowledged the issue was a problem, but he reiterated that there were more "practical issues" to contend with at the national level, such as the pending Iran nuclear treaty.

Iran deal

Tipton said that his reading of the treaty gives a state sponsor of terror the ability to obtain intercontinental ballistic capabilities.

"Sometimes you have to take people at their word," said Tipton. "They're chanting, 'Death to America,' and I believe them."

Tipton vowed that the House would vote down the nuclear agreement, and he predicted the Senate would follow its lead. However, he said he wasn't confident that Congress could override a veto by President Barack Obama.

Asked if he had an alternative to the deal, Tipton instead blamed Obama, stating his pursuit of the agreement left few choices.

"We lost a lot of the leverage that we had," he said. "Unfortunately, we didn't secure peace, but we may have invited a conflict that we're not going to like."

**Grist:**

http://grist.org/article/paranoid-republicans-think-epa-contaminated-river-on-purpose/

**Paranoid Republicans think EPA contaminated river on purpose**

By Katie Herzog

20 Aug 2015 2:56 pm

Today in Utah news, two state lawmakers accused the EPA — yes, the agency tasked with protecting the environment — of purposefully releasing 3 million gallons of toxic wastewater into the Animas River.

Utah's Sen. Margaret Dayton (R) and Rep. Mike Noel (R) have no evidence for their claim — it's more of a feeling, really — but the two have asked the state Attorney General Sean Reyes to investigate anyway.

"When you went to visit, were you able to discern whether or not there's any truth to the fact that this was an accident on purpose so they could qualify for Superfund money or if this really was an accident accident?" Dayton asked Attorney General Reyes at a meeting Tuesday.

While it is true that EPA workers released the polluted water into the river while monitoring an old mining site that had been left contaminated decades before, it was pretty obviously just a fuck-up, not a scheme to get the area designated as a Superfund site, as the paranoid lawmakers suggest.

The Salt Lake Tribune reports:

Reyes said he would inquire into the matter when he visits with EPA officials at the mine Wednesday to assess the spill site, but a Salt Lake City environmentalist blasted Dayton and Noel's claim as "ridiculous, unprofessional, paranoid nonsense."

Zach Frankel, executive director of the Utah Rivers Council, noted that environmental activists agree EPA holds a lot of blame — for causing the release and for its slow response to it — but he believes Noel's suspicion is misplaced.

"To deliberately cause this would not only violate the Clean Water Act, there would be a whole set of criminal charges that could be filed," Frankel said in an interview.

He challenged the lawmakers to channel some of their outrage toward oil companies that contaminate Utah rivers.

"A year ago when an oil company polluted the Green River there were so many state interests willing to look the other way, but when EPA does it, suddenly it's a conspiracy," Frankel said.

In response, Sen. Dayton wrapped her head in tin foil around and blamed the EPA for 9/11 — which she is pretty sure was an accident on purpose and not an accident.

**The Hill**

http://thehill.com/policy/energy-environment/251590-senators-push-epa-watchdog-on-mine-spill

**Senators push EPA watchdog on mine spill**

By Devin Henry

08/20/15 03:04 PM EDT

A bipartisan group of Western senators are asking the Environmental Protection Agency's (EPA)

inspector general to consider a litany of aspects of this month's toxic waste spill in Colorado.

The senators, led by Sen. Cory Gardner (R-Colo.), said they want the inspector general to probe everything from the work EPA contractors were doing in the Gold King Mine before the Aug. 5 spill to the safeguards the agency put in place to prevent other spills in the future.

In a letter sent Wednesday to the EPA's inspector general, the senators acknowledged that the agency has taken responsibility for the incident. But they said the inspector general report will "assist in determining the details of the accident, provide a better opportunity to improve future remediation projects and prevent spills of this nature at other legacy mines across the West."

Lawmakers included a list of 13 questions they had about the incident, including the expertise of contractors inspecting the Gold King Mine and the agency's legal requirements for responding to it and coordinating with local communities.

"Including these questions in an [inspector general] report, along with a full investigation of the Gold King Mine accident, will help prevent future spills of this magnitude and ensure that recovery for tribal, state and local economies is expeditiously put on the best path forward," the letter said.

The EPA inspector general said Monday that it was launching an investigation into the spill, which sent 3 million gallons of toxic sludge in the Animas River. Lawmakers have promised to probe the incident on their own when they return to Washington next month.

Sens. Michael Bennet (D-Colo.), Orrin Hatch (R-Utah), Martin Heinrich (D-N.M.), Mike Lee (R-Utah) and Tom Udall (D-N.M.) also signed Gardner's letter.

**Men's Journal:**

http://www.mensjournal.com/travel/mountain-wilderness/coming-to-a-mine-near-you-why-another-toxic-spill-is-inevitable-20150820

**Coming to a Mine Near You: Why Another Toxic Spill Is Inevitable**

Susan Moran

8/20/15

The milky Tang-colored waters have disappeared. Boaters have returned to the rapids. And even Colorado Gov. John Hickenlooper is so sure of the potability of the Animus River, which flowed orange with toxic silt from the Gold King Mine disaster last week, that he drank a glassful. But despite all the reassurances, the long-term impacts of the spill remain unknown. Many locals, including residents of Durango, 60 miles downstream, remain skeptical. Furthermore, the toxic spill from Gold King mine has unleashed renewed concerns that many other communities could face similar disasters.

The Gold King disaster is nothing new to the West, where many towns, including Silverton, have been suffering from regular spills from acid mine drainage into creeks for more than a century. The recent disaster stirred up such huge outrage largely because of the toxins (a cocktail of lead, cadmium, zinc, pyrite and other contaminants) were more clearly visible than usual.

"This spill stands out because it was such a big yellow-orange blob," says Mark Williams, a geography professor at the University of Colorado-Boulder who specializes in mountain hydrology and hydrochemistry. "But historically we've had numerous worse situations in the Animus River and many other places, and they're not going away."

"Disasters Waiting to Happen"

In Colorado alone there are an estimated 23,000 abandoned mines. Of those, 230 are leaking wastewater laced with heavy metals into headwaters of major rivers, according to according the Colorado Division of Reclamation Mining & Safety. The contaminated waterways including stretches of the Animas, Arkansas, Eagle, Big Thompson, Gunnison, South Platte, and Uncompahgre rivers, and are clustered around historic mining towns such as Silverton, Leadville, Ouray, and Salida. These probably sound familiar: Several are hugely popular with backpackers, mountain bikers, kayakers, and skiers.

Aspen and Crested Butte also have a long legacy of leaky mines, but they're not as vulnerable to major bursts of toxic discharge from cave-ins or roof collapses in large part because there are fewer tunnels but also because much of their wastewater is being treated by nearby facilities.

In a worst case scenario, like the Gold King mine, an abandoned mine plugged with concrete fills with snowmelt for years. When a plug gives way, a wave of toxic water flows into the nearest watershed. More commonly, though, it's not only a catastrophic event that's endangering rivers, but the slow leakage of toxic water.

Throughout the U.S. West roughly 500,000 abandoned and inactive mines dot landscapes, and 40 percent of western watersheds are known to be contaminated by so-called acid mine drainage, according to Earthworks, an environmental advocacy organization based in Washington, D.C. Many of them are "disasters waiting to happen," says Jennifer Krill, executive director of Earthworks. She notes that it's difficult to know how many of them could be leaking toxic water or other wastes into watersheds largely because there is no national registry of the worst mines or largest potential disasters.

The Law That Lets Companies Abandon Mines

Most towns that harbor abandoned, inactive, or even active mines are poorly equipped to tackle disasters like that of Gold King, thanks largely to an industry-friendly mining law that dates back to 1872. The law allowed hard-rock mining companies to easily set up shop by privatizing public land (for as little as $5 an acre), then to declare bankruptcy and leave town when their mines wreak environmental havoc.

The companies are not legally required to pay royalties or other fees that would be used to help clean up polluting old mines. By contrast, coal, oil, and gas operators must pay such royalties. "Federal agencies barely lay a finger on these companies, and they don't have resources to do it anyway," says Roger Flynn, managing attorney at Western Mining Action Project, a public interest law firm in Lyons, Colorado, and an adjunct law instructor at the University of Colorado-Boulder.

Why Locals Aren't Doing More

Communities can pursue several ways to diagnose and treat spills and other pollution from abandoned or inactive hard-rock mines in their backyard. They can create or solicit help from watchdog groups. They can also apply for funds from federal and state agencies, as well as from mining companies. But money is rarely enough to get the job done. To add to this, many communities try to keep federal agencies, and thus their funds, at bay. For example, in the mid-1990s a coalition of residents, mining companies, environmental groups and government bodies banded together to clean up Gold King and other surrounding mines. The goal was to clean up the watershed without having the EPA declare the area a Superfund site, which would have attracted a certain notoriety. (Superfund is a federal law designed to clean up heavily polluted or contaminated sites. Once a site is designated under Superfund only federal and tribal agencies are authorized to fund and execute the cleanup.)

William Simon, who helped start the Animus River Stakeholders Group, said many residents feared the Superfund "stigma" would collapse property values, scare tourists away, and steal jobs from locals. Simon, an ecologist, had also benefited from the go-it-alone approach; he ran an environmental remediation business and was working on cleanup of nearby mines.

Earthworks' Krill says she can appreciate how Silverton and other mining communities that depend economically on their mining history are "caught between a rock and a hard place." However, their piecemeal remediation efforts typically only have a Band-aid effect, she added. Longer-term, as Krill and many scientists and other mining experts agree, the only way to prevent more tragedies like the Gold King spill, whose contamination plume has already reached Lake Powell, is to dramatically reform the relic 1872 mining law. The most promising legislation on the books so far is a bill introduced in February by Rep. Raul Grijalva (Dem-Ariz) which would, among other things, exact royalties on companies for extraction of hard rock minerals as well for cleanup. A new fund would be created to pay for the estimated $50 billion worth of remediation of abandoned hardrock mines scattered across public lands. The bill would also give federal agencies the authority to use more discretion in issuing permits for hardrock mining.

Last week, in the wake of the Animus River spill, Sen. Martin Heinrich (Dem-N.M.) and Sen. Tom Udall (Dem-N.M.) said that they would introduce a similar bill in the Senate. "Maybe the spill has a silver lining," said Flynn of Western Mining Action Project. "More people are realizing that the (mining) industry should not be given the free pass that it's been given."

**Silverton Standard (CO)**

http://www.silvertonstandard.com/news.php?id=852

**Four mines leak 300 million gallons of tainted water a year**

Posted on August 20 2015, 1:16pm

by Mark Esper

The four mining adits of concern in the Gladstone area contribute hundreds of millions of gallons of acid-mine drainage per year to the Animas River Basin, according to the EPA's onsite coordinator Steven Way.

The drainage includes heavy metals toxic to fish and humans.

And that is what the EPA officials say they were trying to address on Aug. 5 when it accidentally released some 3 million gallons of tainted water in the Gold King Mine blowout.

"I would like an understanding to be conveyed more frequently that for the last minimum of six years the EPA has data on the flow of the four adits that indicate we have 300 million gallons of mine drainage water every year."

The Gold King Mine is one of the four, along with the American Tunnel, Red & Bonita Mine, and the Mogul Mine.

"The 3 million gallons that was associated with the Aug. 5 release is one percent of that in a year," Way said. "We were simply trying to address that source."

The EPA apologized profusely for the Aug. 5 accident, which sent an ugly plume down the Animas.

But Way said the agency is "committed to following through on what we started and we're working to fix what was impacted and continue to make efforts on what we committed to."

Way said the EPA still intends to complete the bulkheading of the Red & Bonita Mine this summer, but whether the valve allowing flow from the mine adit will be closed remains to be decided.

Meanwhile Way said the EPA is working on stability and engineering plans for the Gold King adit.

"And we're working on road stabilization in a few locations and as soon as that's completed we'll be able to initiate work at the portal after we get our design and supplies in place."

That work, Way said, will involved "water management" such as putting in pipe to manage the flow through the winter.

Meanwhile, Way said that the flow from the Gold King portal is now averaging about 500 gallons per minute. That compares to an average of 75 to 100 gallons per minute in the months prior to the Aug. 5 blowout.

**From:** Bressler, Lindsey
**Sent:** Thursday, August 20, 2015 12:32 PM
**Subject:** RE: CO Mine Spill Clips - 8/20

**Fox News**

http://www.foxnews.com/politics/2015/08/20/before-colorado-mine-disaster-epa-project-caused-spill-in-georgia/

# Before Colorado mine disaster, EPA project caused spill in Georgia

By Tori Richards

August 20, 2015

Still reeling from a disaster it created at a Colorado gold mine, the EPA has so far avoided criticism for a similar toxic waste spill in Georgia.

In Greensboro, EPA-funded contractors grading a toxic 19th-century cotton mill site struck a water main, sending the deadly sediment into a nearby creek. Though that accident took place five months ago, the hazard continues as heavy storms -- one hit the area Tuesday -- wash more soil into the creek.

The sediment flows carry dangerous mercury, lead, arsenic and chromium downstream to the Oconee River -- home to many federally and state protected species -- and toward the tourist destination of Lake Oconee.

Lead in the soil is 20,000 times higher than federal levels established for drinking water, said microbiologist Dave Lewis, who was a top-level scientist during 31 years at the Environmental Protection Agency.

He became a whistleblower critical of EPA practices and now works for Focus for Health, a nonprofit that researches disease triggers.

"Clearly, the site is a major hazardous chemical waste dump, which contains many of the most dangerous chemical pollutants regulated by the EPA," Lewis wrote in a 2014 affidavit for a court case filed by local residents that failed to prevent the EPA project: creating a low-income housing development.

**The Guardian**

http://www.theguardian.com/environment/2015/aug/20/epa-abandoned-mines-toxic-spill

**EPA says it isn't monitoring an estimated 161,000 abandoned mines**

The agency has said it doesn't monitor hundreds of thousands of abandoned mines, or know which one could be the source of the next big toxic spill

Karl Mathiesen

Thursday 20 August 2015 12.19 EDT

The Environmental Protection Agency (EPA) has said it has no system for monitoring hundreds of thousands of abandoned mines that pock the American landscape, or knowing which one could be the source of the next big toxic spill.

"EPA does not maintain records of the number of mines or tailings dams in the US," a spokesman for the federal agency told the Guardian. In the western US, the EPA estimates there may be 161,000 abandoned "hard rock" mines, where metals such as gold, silver and copper were once dug. But the nationwide threat left by these bygone miners remains largely unknown and unwatched.

Over decades, old mines fill up with rainwater. The concern for the humans and habitats around them is that this water, filled with heavy metals leached from mineshaft walls, will one day find its way into river systems. This can happen slowly or through sudden collapse. Two weeks ago, three million gallons of poisonous, orange water gushed from the long dormant Gold King Mine and fouled Colorado's Animas and San Juan rivers.

"The spills are frustratingly difficult or impossible to predict," said associate professor Ron Cohen, a mining engineer at the Colorado School of Mines. "I don't want to say they happen every day, but they happen several times a year around the southwest US, some big and dramatic, some small and not press-worthy."

The Damocles sword left hanging above communities is not restricted to the US. Worldwide spill data is limited, but reports collected by one website indicate at least several major incidents happen every year.

Cohen said: "Many of the spills are from a different feature than the Gold King Spill. Most are from failures of the dams that were poorly built for storing tailings."

He described seeing whole settlements in South Africa destroyed by such collapses. In Mexico last year, two major incidents shut off water to tens of thousands of people. The Mount Polley mine tailings dam collapse, one of Canada's worst environmental disasters, occurred just weeks earlier.

A recent study by environmental campaign group Earthworks found the rate of serious tailings dams disasters is increasing globally. According to the UN Environment Programme, abandoned mines and dams are a "major unresolved environmental and social problem for the industry".

How developing countries are paying a high price for the global mineral boom

Read more

In the US, tailings dams are monitored by state or federal agencies. But old mines are forgotten,

unless someone sounds the alarm.

"EPA does investigate or respond to incidents that are brought to our attention," said the agency spokesman.

John Hayden, a public affairs executive at the Society for Mining, Metallurgy and Exploration (SMME), said quantifying the potential impact was impossible.

"Funding cleanup efforts is also complicated. Unless a state agrees to a designation as a federal superfund site, the state is often left with funding cleanup with limited budgets," he said.

Unlike extractors of gas, oil and coal, hard rock mining companies do not pay a federal royalty. In 2012, a government report found the hard rock mining industry dug up $6.4bn worth of minerals in 2011. If it had paid comparable royalties to those levied on fossil fuel companies (about 12%), the government would have received $800m.

Reformers argue this money could be used to clean up abandoned mine sites, but moves to change laws have met resistance from congressional Republicans and the industry. One such amendment was introduced in February by Arizona congressman Raúl Grijalva.

Grijalva said the Gold King Mine collapse focused attention on the major threat to lives, health and the environment posed by "the toxic legacy of mining in the west".

"While this particular incident was a mistake by EPA, the underlying problem is the huge number of abandoned hard rock mines that are effectively ticking time bombs threatening our rivers and our lands. Congress must provide robust funding to clean up these mines," he said. Grijalva's bill, which would skim a royalty of 8% from the income of mining companies who operate on federal land, remains in committee.

Under laws passed in the late 1970s, new mines have to pay a bond to cover the eventual cleanup

of the operation once it is done. A spokesman for the National Mining Association (NMA) said Grijalva's proposed royalty "would likely be the highest of any competing mining region in the world and would kill new investment, high-wage jobs and tax revenue to local communities".

Instead, the industry prefers a "good Samaritan" approach in which miners would voluntarily clean up threatening sites as part of their social programme. Existing liability laws currently prevent even this approach. Both industry and environmentalists have been calling for these laws to be amended for years.

But Bonnie Gestring, from Earthworks, said relying on the goodwill of miners and individuals "doesn't solve the fundamental problem, which is the need for a dedicated funding source to deal with thousands and thousands of mines".

The US Geological Survey does keep an incomplete dataset of mine sites. Some parts of the western states have been mapped by Earthworks (PDF links).

**From:** Bressler, Lindsey
**Sent:** Thursday, August 20, 2015 11:00 AM
**Subject:** RE: CO Mine Spill Clips - 8/20

**ABC Channel 7 News Albuquerque (NM)**

http://www.koat.com/news/navajo-nation-seizes-epa-tanks-after-spill-claims-water-is-unsafe/34815756

**Navajo Nation seizes EPA tanks after spill, claims water is unsafe**

By Matt Howerton

UPDATED 8:16 AM MDT Aug 20, 2015

NAVAJO NATION —Navajo Nation police have seized water tanks delivered to the Shiprock community in the wake of a devastating Colorado mine spill.

Many Navajo farmers and cattle ranchers use the San Juan for crops and livestock. The Navajo Nation has yet to lift water restrictions on the river, so the EPA has been delivering water to communities and storing them in large tanks.

However, President Russell Begaye believes that some of the water that the Navajo Nation is getting is not up to snuff.

Several reports have surfaced from farmers saying that the tank water is oily.

Begaye and other Navajo Nation leaders visited one of the tanks in Shiprock on Wednesday. A photo of Begaye holding a cup of water from the tank and with a black hand was taken and has spread across the Internet.

"I reached my hand into the tank and felt my hand getting oily," Begaye said. "There are these black beads in the water, and when you rub them, black streaks go down your hands."

It's unclear what the substance is.

Begaye ordered three water tanks delivered by the EPA seized by Navajo Nation police for evidence gathering.

This is the latest in a series of frustrations for the nation.

Last week, Begaye accused the EPA of not being straightforward about the spill. He's also asked residents not to fill out claim forms for damages, saying that they may keep people from getting bigger payouts down the road.

Begaye said he is considering suing the EPA.

The EPA could not be reached for comment.

**ABC Channel 7 News Denver (CO)**

http://www.thedenverchannel.com/news/mine-disaster/7news-travels-with-attorney-general-cynthia-coffman-to-see-gold-king-mine

**7NEWS travels with Attorney General Cynthia Coffman to see Gold King Mine site**

Marc Stewart

10:46 PM, Aug 19, 2015

DURANGO, Colo. - 7NEWS was the only Denver television station traveling with State Attorney General Cynthia Coffman as she toured the Gold King Mine Wednesday.

During our trip, we saw the many retention ponds set up to collect the mine waste that's still leaking, just outside of Silverton.

7NEWS reporter Marc Stewart also had a chance to see the exact spot where the 3 million gallons of toxic sludge started spewing, at more than 11,000 up.

The Attorney General stressed the need for a long-term plan to deal with the thousands of abandoned mines in Colorado.

"There are plans for many of these mines that people have heard about. It's a question of resources and prioritization," Coffman said.

Officials from the EPA tell us they still need to fully contain the leak. They say even though colder temperatures will soon move in, the sludge won't freeze. They also need to rebuild some of the roads and stabilize the land near the property.

**Albuquerque Journal (NM)**

http://www.abqjournal.com/631028/news/nm-environment-department-to-probe-spill.html

**New Mexico will investigate mine spill**

By Maggie Shepard / Journal Staff Writer

PUBLISHED: Thursday, August 20, 2015 at 12:02 am

Gov. Susana Martinez has added the state Environment Department to the list of agencies investigating the Aug. 5 spill of millions of gallons of toxic gold mine wastewater into the Animas River.

Most of the heavy metals in the water have settled to the bottom of the river, which flows from

the spill site in Silverton, Colo., into New Mexico, where it joins the San Juan River, and flows through the Navajo Nation and on to Utah.

Water use restrictions have been lifted, but the investigations into the cause and federal Environmental Protection Agency response to the spill are now underway.

The EPA and Interior Department are both investigating. The Navajo Nation launched its own plans for a lawsuit. And, on Wednesday, Martinez said the state Environment Department will do its own investigation into the spill.

"New Mexicans deserve answers as to why this catastrophe happened and why the EPA failed to notify us in a timely manner," the governor said in a statement. An appropriation of $400,000 that is already in place for litigation will fund the state investigation, NMED spokeswoman Allison Scott Majure said Wednesday.

"As New Mexico's lead agency for the initial response to the Gold King mine spill, the New Mexico Environment Department encountered multiple data gaps and operational miscues in U.S. Environmental Protection Agency's handling of the spill event," Majure said in a statement.

NMED Secretary Ryan Flynn and the agency's chief counsel, Jeff Kendall, will lead the investigation.

"The results will help us to ensure that EPA is held accountable and that New Mexico is fairly compensated," Majure said.

Meanwhile, New Mexico's two U.S. senators, Tom Udall and Martin Heinrich, joined senators from Colorado and Utah on Wednesday to urge the Environmental Protection Agency's Office of Inspector General to examine 13 specific questions about the spill.

"The release of contaminated water from this legacy mine has polluted the Animas River in

Colorado and spread through New Mexico, Utah, the Southern Ute Indian Reservation, and the Navajo Nation," the senators wrote in a letter to EPA Inspector General Arthur A. Elkins. "Although the EPA has taken responsibility for this disaster, the OIG investigation and report will assist in determining the details of the accident, provide a better opportunity to improve future remediation projects, and prevent spills of this nature at other legacy mines across the West."

Among the 13 questions is Martinez's concern about the timeliness of the EPA's alert about the spill.

The EPA has apologized for the toxic spill, which released lead, arsenic, cadmium and other heavy metals into a tributary of the river.

The spill caused five New Mexico water systems, including those of Farmington and Aztec, to temporarily stop pumping water from the river, forcing them to rely instead on water storage reserves. It also halted recreational activities and irrigation use of the affected rivers.

Martinez issued a state of emergency in the aftermath of the mine spill, freeing up emergency state funding.

**Albuquerque Journal (NM)**

http://www.abqjournal.com/628111/news/initial-well-tests-good-but-uncertainty-remains.html

**Initial well tests good, but uncertainty remains**

By Ollie Reed Jr. / Journal Staff Writer

PUBLISHED: Friday, August 14, 2015 at 12:02 am

FARMINGTON – Don Dufur's hand and the cigarette in it shook visibly as he put the plastic bucket of rusty red water down near the water-testing station at the San Juan County Fairgrounds.

"This is out of my well, my main source of drinking water," he told the people manning the station. "Usually it comes out crystal clear."

He took a step back, his hand shaking even more noticeably.

"I'm just a little upset," Dufur said. "Not at you guys. Just at the situation."

The situation is the spill of contaminated water from an abandoned mine north of Silverton, Colo., into the Animas and San Juan rivers that run through this part of New Mexico.

Fear of the unknown is the most noticeable residue left behind by the pumpkin-colored plume of heavy metal-tainted water that coursed through the rivers.

Hundreds of people have brought samples of their well water in for testing at the fairgrounds station, which is staffed by New Mexico Environment Department and Environmental Protection Agency personnel, and contractors hired by the EPA.

So far, early testing shows well water has not been contaminated by the nasty sludge – but that it does actually have a higher level of naturally occurring minerals than the polluted river.

That was the case for Durfur.

Durfur lives on the south side of Aztec, a hundred yards or so from the Animas River. He had not been too concerned about his well water until a drop in water pressure at his home on Tuesday prompted him to break down his well and do some maintenance work. When he turned it back on, the rusty red muck gushed out.

Dennis McQuillan, chief scientist with the New Mexico Environment Department, tested the water from Dufur's bucket.

"It's mineralized groundwater," McQuillan told Dufur. "It's not chemicals. It's mud. I think you stirred up some sediments on the bottom when you were working on your well."

Good news. But, taking no chances, McQuillan and Jenna Manheimer, an environmental scientist with the EPA's Dallas office, went to Dufur's home to test the well on site.

The NMED and the EPA have teamed up to draw water samples from dozens of wells along the Animas and the San Juan, especially those within 500 feet of the rivers. Samples they collect are sent to a lab in Albuquerque for analysis.

What McQuillan and Manheimer found at Dufur's place is that the groundwater is only about 18 inches below ground, meaning Dufur's well is pumping groundwater and not river water.

After Dufur primed his well and started it up, the water ran muddy for a few minutes and then cleared up.

"You're good to go," McQuillan told Dufur. "Your water is hard enough to walk on. The river water is much softer. This is not river water. The good news is you're not going to get sick from contaminated water. The bad news is you've got hard water."

A much relieved Dufur took that news just fine.

McQuillan said initial testing of wells along the Animas and the San Juan have shown well water that is more mineralized than the river water. That's a positive thing in that it means wells are drawing ground water and not river water that might be contaminated.

"We dodged a bullet," he said. "At this time – in the middle of August – the groundwater is flowing into the river and diluting the sludge as it comes down."

McQuillan said the mineral content in the rivers in the Farmington and Aztec area is less than it is in the Animas near the source of the release near Silverton.

McQuillan said, too, that there has not as yet been any fish dying off in the affected rivers. Caged fish put in the river for testing have survived, he said.

"If this stuff was highly toxic, they would all croak," McQuillan said of the fish.

But until officials are confident that the river water is safe, residents of the affected areas are being urged to conserve water in order to make reserve supplies in local water systems last as long as possible.

Farmington city officials said citizens have responded admirably, reducing water usage by 30 percent in the past week.

Farmington originally estimated that reserves it had on hand prior to the contamination would last three months. Now the city believes it has enough reserve water for five months.

Meanwhile, rain has helped some farmers who have been unable to draw irrigation water from the ditches since Friday.

Pam Elder of Elder's Greenhouse & Garden in Aztec was among farmers selling produce at a growers' market Tuesday at the Farmington Museum and Convention and Visitors Bureau.

Her regular irrigation day is Thursday, so she got water on her vegetable gardens before the contaminated water came through Aztec and Farmington on late Friday and early Saturday.

"And we had a wonderful rain on Friday and water trucks came today (Tuesday)," Elder said.

There was more rain in the area on Tuesday night. And the San Juan County extension service is organizing water trucks, paid for by the EPA, to help out.

"We'll do what we do and take it a step at a time," Elder said. "But our county has stepped up and done a wonderful job trying to help the farmers and the livestock growers, and that has helped offset some of the frustration."

**Aspen Times (CO)**

http://www.aspentimes.com/news/17756159-113/aspen-times-weekly-could-a-mine-waste-spill-happen

Aspen Times Weekly: Could a mine-waste spill happen here?

By Scott Condon

8/20/15

Stirling "Buzz" Cooper recalls venturing into the Lower Durant Mine on Aspen Mountain as a kid in World War II-era Aspen.

The owner of the mine at the time charged tourists 50 cents to go on a tour that started one-half block from the Glory Hole, now site of a city park. "I went in a couple of times with tourists," Cooper said.

The big attraction was a waterfall in the interior of the mine, maybe as much as a mile inside, Cooper said. The water came out the same adit, or tunnel, as the tourists entered.

"You could walk along the rails and the ditch was off to the side," Cooper said.

His dad, owner of Cooper Books, used flash photography to capture the image. He used the picture on postcards he sold highlighting the Durant Waterfall (see photo, above).

Cooper's experience is no longer possible but take a ride up the Silver Queen Gondola or a walk up Smuggler Mountain Road and Aspen's mining heritage still pops out. Numerous openings are still visible on Aspen Mountain and evidence of collapsed mines is easy to spot. The Smuggler Mine Tours provide a bona fide glimpse into Aspen's rich mining history.

Water drains into water table

Pitkin County has between 600 and 800 mine features, including multiple adits into the same mine, according to an estimate by the Colorado state government. And as Cooper's experience shows, there are Aspen mines that are filled with water — but just because there's water, that doesn't mean it's contaminated water.

Still, that hefty inventory of adits and shafts makes it reasonable to wonder if something similar

to the discharge of 3 million gallons of toxic water from the Gold King Mine near Silverton into the Animas River earlier this month could happen in Aspen (see story, page 33).

State and federal officials as well as miners with street credibility will never say never, but a similar disaster in Pitkin County is unlikely, in large part because of geology, they agreed.

Aspen Mountain's mines tended to be internally drained to the water table, so "there is generally no significant surface drainage discharges associated with the underground workings," said Bruce Stover, an official with the Colorado Inactive Mine Reclamation Program. That means there is a "very limited possibility" of underground impoundments of water being formed, he said.

Mines in the San Juan Mountains and other parts of the state have water above the surface. Toxic water was intentionally captured inside the Gold King Mine. It breached when the U.S. Environmental Protection Agency undertook a reclamation effort.

Aspen miners tended to encounter water below the level of the water table and Roaring Fork River, said Jay Parker, a partner in the Compromise Mine on Aspen Mountain and a miner and tour guide at the Smuggler Mine.

The water emerging from Aspen's mines hasn't been found to be acidic or laced with heavy metals in any testing to date. In one of Aspen's few hard-rock mine reclamation projects, water in Castle Creek tested similarly above and below where the Hope Mine discharged, according to Forest Service records.

Parker said water draining from the Compromise Mine on Smuggler Mountain feeds ponds where fish thrive and ducks gather.

Local Mine reclamation aimed at safety

Many of Pitkin County's mines have collapsed, either naturally or by public agencies for safety reasons.

"Our records show we have safeguarded approximately 90 hazardous, non-coal openings in Pitkin County, many of them on Aspen Mountain," said Stover. Numerous closures have also been completed on coalmines in the Coal Basin and Thompson Creek areas.

The Forest Service typically performs safety closures on three or four mines per year, according to Greg Rosenmerkel, engineering, minerals and fleet staff officer on the White River National Forest. "There are hundreds of mines across the forest."

The focus of both the Forest Service and the Inactive Mine Reclamation Program is to prevent people from entering an unsafe situation. Old mining timbers have often rotted, making interior travel perilous. Air deep underground can be toxic without proper ventilation.

"It's almost an attractive nuisance," Rosenmerkel said of the old mines.

A recent closure was completed earlier this summer at three mines in the high ground beyond Crystal. The typical closure costs $200,000, though no two projects are the same, he said.

Both the Forest Service and Inactive Mine Reclamation Program are focused on finding mines that pose a physical hazard, such as ones located in a ski area or adjacent to a popular hiking trail, and safe-guarding them.

No toxic water impounded

If Forest Service or Bureau of Land Management officials suspect environmental issues, the state Water Quality Control Division is mobilized to test for acidity or metals. If a problem is found, the Inactive Mine Reclamation Program figures out how to solve the problem. If an environmental problem is suspected with a mine on private lands, the Forest Service might be

involved if it affects public lands, Rosenmerkel said.

The Hope Mine in Castle Creek Valley warranted remediation while the Ruby Mine in Lincoln Creek Valley has raised concerns but hasn't been found in need of monitoring (see related stories), according to officials.

Rosenmerkel said there is no situation in the Aspen-Ranger District where water as toxic as that in the Gold King Mine is being impounded.

The Roaring Fork Conservancy, a Basalt-based nonprofit focused on water quality and quantity issues in the valley, doesn't specifically test to see how water coming from mines affects rivers and streams in the basin.

"Outside of Ruby, I don't know if we have a big enough problem or big enough source," said Rick Lofaro, the conservancy's executive director.

**Bloomberg**

http://www.bloombergview.com/articles/2015-08-20/make-the-gold-king-mine-spill-a-turning-point-for-the-epa

**The Silver Lining of the Gold King Mine Spill**

AUG 20, 2015 10:01 AM EDT

By The Editors

On the morning of Aug. 5, high in the Colorado Rockies, contractors for the U.S. Environmental

Protection Agency were digging through dirt and rock at the entrance to a century-old gold mine, concerned about the toxin-laced water that had been leaking out. "All of a sudden," in the supervisor's words, "there was a little spurt." Within hours, 3 million gallons of water heavy in arsenic, lead and aluminum had turned the Animas River mustard yellow.

The Gold King Mine rupture has been a tragedy for the Animas River basin, the kayakers and fishermen who enjoy it, and the towns that depend on it. It's also a blunt warning to the EPA to do a better job of cleaning up heavy metals left behind in the country's 500,000 abandoned mines.

Almost half of river headwaters in the West are polluted by the toxic runoff from old mines. Only some of them are included in the EPA's Superfund program, and even those may not be fully cleaned up for years. Last year, congressional Superfund appropriations amounted to just $800,000 per site, a fraction of the average cleanup cost.

Scarce resources are no excuse for sloppy work, however. Congressional investigators are looking into why the EPA didn't do more to find out how much toxic water was inside Gold King before using heavy machinery to open it. The agency needs to answer that question publicly and tighten its procedures accordingly.

At the same time, the EPA also needs to expand its cleanup efforts. In Colorado alone, at least 230 mines are releasing the equivalent of one Gold-King-size discharge every two days, according to the Denver Post. Cleaning up the abandoned mines nationwide is expected cost as much as $54 billion.

The mining industry should help foot the bill. Unlike the oil and gas sector, companies that extract gold, silver, uranium and other heavy metals from federal lands pay no royalties to the government. Legislation in the House of Representatives would fix this by amending the 1872 law that still governs mining.

Congress could also make it easier for local governments, conservation groups and others to launch their own cleanup efforts by amending the law governing such operations. As things stand, any group that works on a mine becomes legally responsible for environmental damage the mine has already caused.

Gold King will probably become shorthand for what happens when the EPA moves too fast and too clumsily. But if it prods the agency and Congress to do a better job of cleaning up mines, the ugly spill could also be remembered as a turning point in environmental safety.

**Crested Butte News (CO)**

http://crestedbuttenews.com/2015/08/local-officials-ask-state-for-water-plant-insurance/

**Local officials ask state for water plant insurance**

August 20, 2015

By Adam Broderick

The Gold King mine near Silverton leaked nearly three million gallons of toxic water into the Animas River two weeks ago, and sparked conversations regarding how to prevent something similar from happening elsewhere across the state.

On Tuesday, August 18, Gunnison County Commissioners and the Crested Butte Town Council agreed to send a joint letter to the Colorado Department of Public Health and Environment requesting that the Water Quality Control Division (WQCD) make it possible once again to ensure that area residents and visitors remain safe in the potential event that operations cease at the Water Treatment Plant west of Crested Butte on Mt. Emmons at Coal Creek.

Coal Creek supplies Crested Butte with drinking water and also has agricultural and recreational uses. Drainage from abandoned mines on Mt. Emmons flows into Elk Creek, then into Coal Creek, then through town.

According to the letter, the environmental and human health consequences of any release of untreated mine drainage are beyond our local governments' response capacity. And since U.S. Energy, the corporation that owns the molybdenum mining rights on Mt. Emmons and is legally obligated to operate the plant, recently released an unhealthy financial report (showing an $11.4 million decrease during the first half of 2015 compared to the first half of 2014), Gunnison County and the town of Crested Butte decided the best bet would be to ask the state to strongly oversee the waste water treatment plant permits issued to U.S. Energy.

The intention is for the WQCD to reopen a permit renewal process for the mine's discharge permit, which regulates the water treatment plant. As part of that process, WQCD would impose new permit conditions requiring U.S. Energy to satisfy financial and ethical responsibilities should the company no longer be capable of complying with its discharge treatment requirements.

County attorney David Baumgarten explained that a number of years ago the county, together with the town of Crested Butte, requested from the WQCD that there be an addition to the discharge permit.

"We asked for financial security should there be a lapse in operation. The state said they did not have the authority to do so at the time. That conversation has since been highlighted by what has happened in other locations in Colorado with mine spillage," Baumgarten said.

According to the letter to WQCD, the financial condition is especially alarming because the treatment plant uses outdated technology and has now exceeded its expected life by almost 20 years.

"We respectfully request that the WQCD reopen the permit renewal process… and also work with other state and federal agencies to impose financial requirements or take other actions to protect the public against the environmental and human health catastrophe that would ensue if U.S. Energy failed to operate the water treatment plant," the letter read.

"Waiting until the problem rises to the level of CERCLA [the Comprehensive Environmental Response, Compensation, and Liability Act of 1980] enforcement action is an untenable

alternative because of the environmental and human health consequences that would precede such an action," the letter continued.

Baumgarten told the News that state officials responded promptly and diligently to the county's most recent mine-related request so he trusts they will be equally responsive to this request. "Our trust is that – while the current request by us will have to be discussed internally by the state over a period of time – the state officials will be equally responsive," he said. Baumgarten believes an internal conversation will begin immediately.

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**Daily Times (NM):**

http://www.daily-times.com/four_corners-news/ci_28670961/navajo-nation-confiscates-water-tanks-after-mine-spill

**Navajo Nation confiscates water tanks after mine spill**

Tribal president visits tank sites, finds unknown substance

By Noel Lyn Smith

UPDATED: 08/19/2015 10:00:50 PM MDT1

FARMINGTON — Navajo Nation President Russell Begaye on Wednesday ordered tribal police to confiscate water tanks delivered to Shiprock that were intended to hold water that residents could use to irrigate crops and water livestock.

Tribal officials were concerned about what they said was contamination in the tanks.

The tanks were needed after more than 3 million gallons of toxic wastewater was accidentally released Aug. 5 from the Gold King Mine north of Silverton, Colo., into the Animas and San Juan rivers. Officials along the rivers, including those with the Navajo Nation, had closed access to the rivers and warned against using the water for any purpose. Most restrictions had been lifted by Wednesday, but Nation officials were still waiting for testing results.

Begaye said in a telephone interview on Wednesday that he made his decision to confiscate the tanks after visiting three tank sites and after discussing the situation with U.S. Environmental Protection Agency officials, even though they assured him the tanks were suitable to store water.

The president said during his inspection, he filled a cup with water from one of the tanks then noticed unknown material floating in the water.

"So what I was told was a complete lie," Begaye said, adding that the tanks will be kept as evidence and will not be hauled from the Navajo Nation.

In the meantime, the president said new tanks will be delivered by the Bureau of Indian Affairs Navajo Region in cooperation with the EPA. He said the EPA agreed to use water from Navajo Agricultural Products Industry rather than from the city of Bloomfield, which had been supplying water.

The president's decision comes after Shiprock Chapter's farm board member, Joe Ben Jr., complained about the condition of 11 tanks delivered to the chapter by Triple S Trucking.

Jason Sandel, executive vice president of Triple S Trucking, said the company was hired by Environmental Quality Management on behalf of the EPA, to deliver the tanks.

"We are doing the job that we were hired to do and in the best of our ability," Sandel said in a telephone interview on Wednesday.

He explained that each tank holds 16,800 gallons and said they are being used to hold non-potable water.

Non-potable water is meant to be used for irrigation and watering livestock but not for drinking.

Sandel said since the mine spill, the company hauled tanks to areas from the Colorado-New Mexico state line to the Navajo Nation, including deliveries to Aztec and Kirtland.

"We've been delivering tanks all over the county without complaint," he said.

On Tuesday, Ben said Triple S Trucking delivered and placed the tanks at Chief Hill, Salt Wash, Area 3 East, Area 3 West, the Northern Navajo Nation Fairgrounds, and near the chapter house.

He alleges the tanks are not suitable for irrigation or livestock because he noticed water from the tanks was brown and had a noticeable film and odor.

"We are seasoned farmers. We know what we are talking about. We grew up playing in the mud," Ben said while examining a pool of water at the base of one of the tanks at Area 3 East. The tank was labeled with signs stating, "Non Potable Water" and "Caution: Do not use until further notice." The advisory not to use the water was posted by Nation officials.

Rusty Harris-Bishop, a public information officer in the Joint Information Center in Durango, Colo., said in a statement on Wednesday that following the closure of the San Juan River by the Navajo Nation, the EPA's Region 9 worked to provide alternative agricultural and livestock water supplies for community members in Shiprock.

Harris-Bishop explained the water distributed by the EPA was provided by the city of Bloomfield's utility company and met all applicable federal and state water quality standards.

The tanks were used for "the exclusive distribution of non-potable water" and the EPA will comply with the tribe's request to use a water source permitted on the Navajo Nation, he wrote.

In a follow up call on Wednesday morning, Harris-Bishop said 13 tanks were delivered to the chapters of Shiprock, Upper Fruitland and Gadii'ahi-Tokoi. He did not provide further details and said the EPA was working on a press release about the issue.

On Wednesday afternoon, a video featuring the tribe's attorney general, Ethel Branch, was posted on the president's Facebook page.

In the video, Branch states that the administration had a meeting on Monday with an EPA official who said there was no issue with the tanks.

"We've had repeated conversations with this EPA official, he's repeatedly confirmed these tanks are fine," she said.

Branch goes on to explain that the president inspected one of the tanks on Wednesday.

She then holds a white cup containing yellowish water up to the camera and says, "You can see the little floating things. If you take those out and you rub them it streaks. It's clearly oil."

She explains that she and Begaye, who stood next to her, placed their hands on a portion of the tank where water comes out and their hands were darkened.

"That is clearly oil. There's oil in these tanks. We don't trust the EPA to be here. They need to get out of our nation. Send the dollars directly here, let us take care of these issues ourselves because we care about the health and welfare of our people," Branch said.

With the tribe's irrigation and ditch systems shut down, Mitten Rock residents Byron and Tonita Nelson were using delivered water to irrigate their squash, melons and corn, which they were growing on 11.8 acres they lease in Shiprock.

The couple drove to Farmington on Monday and purchased a large plastic water tank, a gas powered pump, a hose and fuel. After filling the tank with non-potable water from the station set up by the BIA Navajo Region at the Shiprock rodeo grounds, they pumped the water to start irrigating a field on Tuesday.

"We're trying to keep our plants alive. ...It's a way of life for us. It's what we've learned," Byron said.

"It gave us a lot of things," Tonita said while looking at the plants.

She said during a recent sale, some customers were skeptical about purchasing the produce and asked if it came from contaminated plants.

After answering their questions, she said, "Slowly, they'll trust us then they'll buy."

**Denver Business Journal (CO)**

http://www.bizjournals.com/denver/news/2015/08/19/9news-mine-owners-pointing-fingers-after-blowout.html

**9News: Mine owners pointing fingers after blowout polluted Animas River**

Aug 19, 2015, 4:39pm MDT

Silverton — During a tour of the area where the Gold King mine blew out earlier this month — sending toxic water down the Animas River — the owner continued to try to place blame on a neighboring mine.

Todd Hennis, Gold King's owner, said he believes an increase of toxic water in his mine is the result of the neighboring Sunnyside mine, which was plugged by concrete bulkheads in the 1990s when the mine closed down.

"It's just been a disaster," Hennis told 9News during a tour on Tuesday. "But it's a man-made disaster."

But after Hennis began pointing a finger at the Sunnyside mine last week, Sunnyside Gold, the Canadian-owned mining company in control of Sunnyside, categorically denied Hennis' claim. The company claimed there is no physical connection between the two mines.

**Denver Post**

http://www.denverpost.com/news/ci_28669132/colorado-utah-attorneys-general-feds-are-withholding-gold

**Colorado, Utah attorneys general: Feds are withholding Gold King facts**

By Jesse Paul

POSTED: 08/19/2015 05:57:36 PM

GOLD KING MINE — The attorneys general of Colorado and Utah visited this still-festering site on a fact-finding mission Wednesday and left feeling the Environmental Protection Agency had not provided them with the whole picture.

"There's a list, honestly," Colorado Attorney General Cynthia Coffman said of her questions.

Coffman and her Utah counterpart, Attorney General Sean Reyes, are among a group that have said legal action against the EPA is being weighed after the agency's Aug. 5 wastewater spill in the San Juan County mountains above Silverton.

The spill sent 3 million gallons of contaminated water surging into the Animas and San Juan rivers.

New Mexico's attorney general said last week he is considering a lawsuit, and Navajo Nation leaders, whose community arguably has been most impacted by the disaster, said they will sue.

After the abbreviated visit to the Gold King's portal and some discussion with EPA officials on scene, Coffman said she wants to see the agency's work order from the day of the disaster. Reyes said the EPA was still holding back.

Coffman said she agreed.

The attorneys general said legal action against the EPA is not imminent. Their first priority, they say, is to make sure the EPA keeps its word to compensate groups affected by the spill.

"It's not a rush to the courthouse," Reyes said. "Usually that leads people down the wrong path."

A spokeswoman for the EPA at the scene declined to comment on the officials' sentiments that the agency was not being fully forthcoming.

Yellow-orange, contaminated water continued to cascade from the Gold King on Wednesday at a rate of about 600 gallons per minute as Reyes and Coffman surveyed the site wearing hard hats, reflective vests and steel-toed boots.

In the area surrounding the portal, debris, including wooden pilings that long ago held the mine's opening in place, were strewn about, apparently tossed like crumpled paper when the spill occurred.

Allen Sorenson, a geoengineer with the Colorado Division of Reclamation Mining and Safety, told the attorneys that wastewater from the Gold King likely had built up after bulkheads were built in tunnels — specifically linked to the Sunnyside Mine — below.

"The installation of the bulkheads is returning the groundwater table ... to its pre-mining condition, so the water table is higher," he said. "When the water table intersects an open mine working, that's the path of least resistance and the water comes out."

Sorenson called the Gold King "pretty dry" before bulkheading at 11 sites was completed below, finished over the years as the Sunnyside and American Tunnel were plugged with engineered concrete blockages.

"It's just that the entire regional groundwater table has been elevated," Sorensen said.

Officials during the tour said their cleanup priorities at the Gold King are to secure the mine's portal, continue treating the contaminated fluid flowing from the site and construct a commercial water treatment apparatus before winter.

An agency spokeswoman said Wednesday she did not know when the apparatus would be in place, how much it would cost or where exactly it would be constructed.

The Gold King is one of several mines in the area — called the Upper Animas Mining District — leaching contaminated water into Cement Creek. Communities downstream in the Gold King calamity's wake have called for some kind of treatment system in the area to cleanse water before it enters the Animas River and later the San Juan River.

Many want the site to be designated by the EPA as a Superfund location. Below in the town of Silverton, however, residents have long fought Superfund designation out of fear that it could diminish their bottom line.

The town of about 650 full-time residents worries such a label could keep away tourists, who fuel the local economy.

Coffman says she still has "a lot of questions" and will continue digging into the events that led to the Gold King spill.

"I am not convinced this is still not an (ongoing) environmental catastrophe," Coffman said, adding she worries there will be effects from the Gold King spill for years to come.

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**Deseret News (UT)**

http://www.deseretnews.com/article/865634936/Utah-Attorney-General-Sean-Reyes-visits-site-of-Gold-King-Mine-spill-speaks-with-EPA-officials.html?pg=all

**Utah Attorney General Sean Reyes visits site of Gold King Mine spill, speaks with EPA officials**

By Ben Lockhart, Deseret News

Published: Wednesday, Aug. 19 2015 8:25 p.m. MDT

SALT LAKE CITY — Utah Attorney General Sean Reyes joined the attorney general from Colorado on Wednesday to tour the mine site where a massive toxic spill occurred earlier this month.

Reyes called it a "fact-finding tour" at the Gold King Mine in southwest Colorado, about 150 miles from the state's border with Utah, to assess the impacts on the area and determine the role of the Environmental Protection Agency in the disaster.

On Aug. 5, 3 million gallons of water containing lead, arsenic, zinc, mercury and cadmium were unleashed from the abandoned mine site into the nearby Animas River while EPA crews worked in the area.

The EPA reportedly caused the water to spill while attempting to measure the depth of the contaminated de facto reservoir.

Reyes said the EPA showed him and other government officials around the mine site, but the agency was wary about releasing specific information about the spill.

Reyes said earlier this month and reiterated Wednesday that he is considering legal action against the EPA, depending on both its responsibility for the spill and its response to it.

Citing an ongoing Department of the Interior investigation, EPA workers are delaying the release of some details about what precisely caused the Gold King Mine spill.

"Part of the reason we came here was to separate myth from fact," Reyes said in a conference call Wednesday. "I'll be honest, the EPA was very accommodating, but their people were extremely careful and guarded, as you might expect, in the information they would share with us and often deferred to others in the agency or decided not to comment to potentially protect the agency. What information we did get was still very helpful to us."

Reyes said some residents in the Silverton, Colorado, area are suspicious that the EPA, wanting to make a political statement, intentionally caused the 3 million gallons of toxic water to spill from the abandoned mine. For many years, the EPA reportedly considered the area around the Gold King Mine as a potential Superfund environmental cleanup site, but the agency met

opposition and eventually relented.

No evidence currently points to the spill being intentional, Reyes said, but he noted he and his legal team are still gathering what information they can.

"I actually asked them point-blank if they were aware of any evidence that might support the suspicion that people have about purposeful motives, and they categorically denied any of that," he said.

The scope of the site where the spill occurred is visually stunning, according to Reyes.

"Where the release occurred, there was a large gaping hole. I don't want to even guess the dimensions," he said.

The yellow sludge that polluted the San Juan River and threatened Lake Powell in Utah after the spill has dissipated and is no longer visible. Acidity levels in those Utah water bodies are measuring normally, according to Donna Spangler, spokeswoman for the Department of Environmental Quality.

"We're going to assume that maybe it's in there mixed around, but we really don't have any evidence to say conclusively that it's entered Utah," Spangler said.

Still, environmental and wildlife officials in the region are concerned that water sources and multiple species will need to be monitored closely for a matter of years to detect the possible effects of the toxic water on fish and other wildlife.

"It disrupted and halted recreation, swimming, boating, fishing," Reyes said. "It's impacted irrigation farming and ranching, tourism and our recreation-based economy."

Farmers in Kane and San Juan counties have said they're nervous about how to water their crops and feed their livestock and other animals, the attorney general said.

Reyes promised repercussions for the EPA if the agency skirts its obligations the environmental disaster's aftermath.

"(We will) discuss the possibility of legal actions if the EPA does not live up to its commitment to be fully accountable for the injuries and damages that they incurred," he said.

**Durango Herald (CO)**

http://www.durangoherald.com/article/20150819/NEWS01/150819552/Attorneys-general-hear-account-of-mine-spill-

**Attorneys general hear account of Gold King Mine spill**

By Jonathan Romeo

Herald Staff Writer Article Last Updated: Wednesday, August 19, 2015 11:03pm

Situated nearly 11,400 feet above sea level deep in the San Juan National Forest, the long-abandoned Gold King Mine is now surrounded by a flurry of activity from various state and federal agencies working to contain and treat wastewater leaking as a result of a catastrophic spill earlier this month just outside the small mountain town of Silverton.

Below the mine's opening, the 3 million gallons of contaminated water that broke through a natural barrier has left the mountainside ravaged with downed trees, mass erosion and an orange

tinge that has become the signature image of the spill. The spill came Aug. 5 when a crew contracted to work with the Environmental Protection Agency accidentally breached a barrier.

Even today, Cement Creek – a tributary flowing to the Animas River – rushes with the tainted sludge that contains a number of heavy metals.

On Wednesday, attorneys general Cynthia Coffman of Colorado and Sean Reyes of Utah visited the mine for the first time since the incident, searching for a better understanding of events that led to the spill and to see firsthand the EPA's plan for the cleanup.

"It helps to understand the complexity of the situation that we're dealing with," Coffman said. "This is not simple, and I think people need to understand there is not a quick fix with this. We're in it for the long haul."

Allen Sorenson, a geoengineer with the Colorado Division of Reclamation, Mining and Safety, said the EPA has three primary goals it seeks to accomplish before winter:

Fix the narrow and rocky county road that leads to the mine for easier access.

Stabilize the mine's opening.

Set up a viable water-treatment system that includes retention ponds that will last until next spring.

When The Durango Herald visited the contamination site Wednesday, La Plata County construction crews were working to improve County Road 10, which was severely damaged when the flood of wastewater cascaded down the valley two weeks ago. In that time, the EPA has installed five retention ponds, though Sorenson said those holding tanks are only temporary.

The ponds allow water-treatment chemicals the time the agents need to drop out the contaminants absorbed in the mine, and environment officials hope that will increase the pH levels in the stream and drop heavy metals from effluent. Although water levels have been deemed nonthreatening to human health, far more uncertainty exists about the orange sediment settled on the river floor.

Most of the tour was dedicated to explaining to the attorneys general and their staffs, as well as select media, the sometimes confusing and opaque details of the spill.

The heavily mined region contains two major mining systems: One near Gold King Mine includes several other sites, and a much larger network, Sunnyside Mine, farther off into the San Juan National Forest.

The mining network of shafts and tunnels creates easy flow paths for ground water, which pick up toxic materials such as lead, arsenic and cadmium. The water eventually makes its way to the Animas River, causing health concerns.

Previous mine owners in the region responded to contaminated runoff by installing a plug in an existing drainage way called the American Tunnel, effectively returning outflows at the Sunnyside Mine to pre-mining levels.

However, over the years, the shafts within Sunnyside filled, and water shifted through the ground toward the network that includes Gold King Mine, which Sorenson said was relatively dry at that time.

That's when the EPA stepped in to treat the leakage, Sorenson said, adding that recent work was not concentrated on Gold King Mine. Rather, most of the remediation was occurring at the nearby Red and Bonita site.

"The EPA's project this year is plugging the Red and Bonita, which is one of the biggest (contaminates) of Cement Creek and, subsequently, the upper Animas," Sorenson said. "It's a

step-by-step process, and that is this year's primary step."

On Aug. 5, a crew of about five or six EPA workers and hired contractors went up to Gold King Mine in an attempt to install a pipe that would have diverted leakage there to treatment ponds located at Red and Bonita. That's when whatever was holding the water back – Sorenson couldn't say exactly what – collapsed and a wall of water began moving through unconsolidated soil and debris.

"It didn't come out in a complete rush. They had time to see that something was developing that was problematic, and they had sufficient time to clear the immediate area," said Sorenson, who wasn't at the scene but talked to the workers afterward. "That was a very large amount of water that came out in a very short period of time."

In 24 years of working with mines in the region, Sorenson said the situation surrounding Cement Creek is one of the most difficult he's seen, even before the spill further complicated matters. The EPA will continue to stabilize Gold King Mine while it concentrates on remediation at Red and Bonita.

But as for the long-term solution: "That's still being analyzed," he said.

Coffman said the tour was helpful – providing a picture of where events actually took place. The day gave her a chance to ask questions of the EPA and people with knowledge of the mine.

She remained noncommittal on whether her office would file a lawsuit against the EPA, reiterating she would rather avoid litigation if possible.

"Gold King is not an isolated situation. We know there's a cobweb of these mines. This has been on a prioritization list ... so there are plans for many of these mines that people have not heard about," she said.

"But there's no question that this spill has focused attention on this spot and the area around Silverton. ... I think we're still talking about some weeks before we put together all the pieces of the puzzle."

**Huffington Post**

http://www.huffingtonpost.com/carol-pierson-holding/valuing-nature_b_8009856.html

**Valuing Nature**

Carol Pierson Holding

Posted: 08/19/2015 4:29 pm EDT Updated: 08/19/2015 4:59 pm EDT

How will damage from the Gold King Mine spill of Silverton Colorado be valued? The lawsuits against the EPA for dislodging the toxic yellow sludge into the Animas River and beyond haven't yet been filed, but injured parties are lining up.

Recognizing imminent danger accident, the EPA tried to allocate Federal funds earmarked for cleaning Superfund sites. before the accident, the EPA tried to allocate Federal funds earmarked for cleaning Superfund sites. But Silverton is a town that subsists on tourist dollars. And it gets its water from another site. Concerns about upstream water weren't enough to warrant the tourism-destroying Superfund label.

So the EPA had to do more inspecting to bolster its argument for Superfund designation and accidentally breeched a secret dam built inside the mine to hold back accumulated snowmelt, unleashing three million gallons of poisonous sludge.

Sure enough, as in the BP Deepwater Horizon spill, the tourism industry is the first to call for monetary damages.

Then come livestock owners whose animals might be poisoned. And the vegetable farmers whose produce could be ruined unless they find an alternative source of water.

Then there's the cost of the clean-up itself.

But even those billions of dollars don't account for the loss of gorgeous, irreplaceable natural habitat along the now three hundred miles of fouled rivers.

In our monetized, quantified world, we are driven to assign a value to this resource. And economists have a mechanism. Called "contingent valuation," the tool is a survey in which subjects are asked their willingness to pay to protect nature.

Intuitively, we know this is not remotely adequate. Economists and policy makers agree. And so scientists have set about trying to develop a better metric.

A study on the neuroeconomics of valuation was just published in the journal PLOS One and summarized in a New York Times article by study authors Paul Glicher and Michael A. Livermore. Previous MRI's of the brain structures responsible for valuation showed great similarity across a wide variety of decisions, from consumer goods to entertainment to daily activities. But as the authors put it, "The brain did not respond to contingent (environmental) valuation studies the way it did to all other known classes of economic behavior."

In other words, when subjects tried to "value" nature, their MRIs showed different areas of the brain at work than those areas used to value other decisions.

Could nature be on a different spectrum altogether? Maybe our brains process nature's value in ways unrelated to money.

Those of us who walk in nature would agree.

As it turns out, many economists agree too.

One of them is Nobel Prize winner Joseph Stiglitz. A 2009 report by the Stiglitz Commission on the Measurement of Economic Performance and Social Progress looked at how economic statistics such as GDP fall short of measuring true economic performance:

"For example, traffic jams may increase GDP as a result of the increased use of gasoline, but obviously not the quality of life. Moreover, if citizens are concerned about the quality of air, and air pollution is increasing, then statistical measures which ignore air pollution will provide an inaccurate estimate of what is happening to citizens' well-being."

The Stiglitz Commission goes further, insisting that "The assessment of (environmental) sustainability is complementary to the question of current well-being, and must be examined separately. ...Both pieces of information are critical and distinct."

Another way of saying that even rising public policy metrics such as Gross National Happiness in Bhutan or Subjective Well Being in the UK don't adequately address the value of the environment.

Nature brings solace and sanity. If you haven't experienced the succor of nature personally, science has proved its benefits, most recently in a National Academy of Sciences study whose results suggest that "accessible natural areas may be vital for mental health in our rapidly urbanizing world." Or to put it another way, nature's true value is priceless.

**The Gazette (CO)**

http://gazette.com/editorial-privatize-mine-cleanups/article/1557665

**EDITORIAL: Privatize mine cleanups**

For U.S. Rep. Scott Tipton, timing has never been better to privatize some of the environmental cleanup the EPA has planned for old metal mines.

Tipton, a Cortez Republican representing Colorado's 3rd District, has spent years trying to get traction for his good Samaritan legislation. He envisions a law that would allow private organizations, without direct ties to any mine, to conduct reclamation under standards of the Clean Water Act. State lawmakers have also tried to facilitate private cleanup efforts of abandoned mines.

Legislators "have been trying to pass laws that would make it easier for groups to clean up toxic pollution from abandoned mines," explains the website of The Water Information Program, a consortium created by southwest Colorado water utilities. "These groups, which are not responsible for the pollution but want to clean it up anyway, are called, appropriately enough, Good Samaritans."

Critics have recoiled at the thought of putting the government's environmental work into private hands.

No longer should they perceive or argue a level of federal competence that exceeds what the private sector might provide. The EPA unleashed a toxic sludge of arsenic, lead and other harmful toxins without bothering to warn people downstream, including tribal leaders and governors of neighboring states. They botched the inspection that led to the spill and bungled the response.

Tipton — the member of Congress representing the location of the spill — told The Durango Herald's editorial board Monday that he was not contacted by the EPA. He received an apology only after he complained days later to the agency's Region 8 office in Denver.

Tipton said President Barack Obama has not responded to an Aug. 12 letter he coauthored with U.S. Sens. Michael Bennet, D-Colo., Cory Gardner, R-Colo., Tom Udall, D-N.M., and Martin Heinrich, D-N.M. The letter requests federal intervention in the EPA's mismanaged disaster.

"We think we've solved that mystery," said an article in Colorado Peak Politics, surmising why Obama had not responded. The website posted a Monday Headline from western Massachusetts' Masslive.com: "President Obama golfs, reads and enjoys private beach on Martha's Vineyard."

Accidents happen, but the federal response to a disaster caused by a federal agency has been devoid of urgency, intergovernmental communication and courtesy to burdened residents, businesses and farms.

Tipton's good Samaritan idea could provide a viable alternative to environmental reclamation in rural mining areas of Colorado that would suffer from the stigma of Superfund declarations. Old mining towns survive on tourism revenue, and Superfund sites aren't known as vacation hot spots. Tipton hopes the Gold King Mine might serve as a pilot project for a good Samaritan program.

The details, of course, will determine the political and practical feasibility of Tipton's vision. But given the EPA's stunning mishandling of the Gold King spill, it is hard to imagine a private-sector cleanup effort that could do more harm.

**KSL.com (UT)**

http://www.ksl.com/index.php?sid=36049131&nid=148&title=ag-reyes-visits-site-of-gold-king-mine-spill-speaks-with-epa-officials

**AG Reyes visits site of Gold King Mine spill, speaks with EPA officials**

By Ben Lockhart

Posted Aug 19th, 2015 @ 10:21pm

SALT LAKE CITY — Utah Attorney General Sean Reyes joined the attorney general from Colorado on Wednesday to tour the mine site where a massive toxic spill occurred earlier this month.

Reyes called it a "fact-finding tour" at the Gold King Mine in southwest Colorado, about 150 miles from the state's border with Utah, to assess the impacts on the area and determine the role of the Environmental Protection Agency in the disaster.

On Aug. 5, 3 million gallons of water containing lead, arsenic, zinc, mercury and cadmium were unleashed from the abandoned mine site into the nearby Animas River while EPA crews worked in the area.

The EPA reportedly caused the water to spill while attempting to measure the depth of the contaminated de facto reservoir.

Reyes said the EPA showed him and other government officials around the mine site, but the agency was wary about releasing specific information about the spill.

**KSL.com (UT)**

http://www.ksl.com/?nid=148&sid=36032421

**Utah AG to tour mine, considering legal action against EPA in spill**

By Dennis Romboy

Posted Aug 19th, 2015 @ 7:28am

SALT LAKE CITY — Attorney General Sean Reyes will get a firsthand look Wednesday at the Colorado mine site that spewed millions of gallons of toxic water into southeastern Utah.

Reyes expects to start gathering evidence that could lead to legal action, though he said he wants to give the Environmental Protection Agency a chance to make good on its word to pay for any damage from the spill.

But Sen. Margaret Dayton, R-Orem, co-chairwoman of the State Water Development Commission, said she's uncomfortable with that.

"The more time we give them, the more damage is done," Dayton said during a commission meeting Tuesday. The commission includes legislators, county leaders, water district supervisors, and environmental and agricultural interests.

Reyes said he doesn't believe it shows weakness on Utah's part to take time to assess how the agency intends hold itself accountable for the disaster as EPA Administrator Gina McCarthy promised.

"I would like to see what that proposal is," he said, adding that if the agency doesn't live up to its commitment, the state would consider legal remedies.

EPA and contract workers accidentally unleashed 3 million gallons of contaminated wastewater into the Animas River on Aug. 5 as they inspected the idle Gold King Mine near Silverton, Colorado. The spill released heavy metals including arsenic, cadmium, lead and mercury downstream in Colorado, New Mexico, Utah and the Navajo Nation, raising concerns about long-term environmental damage.

Reyes listed several areas where Utah could be compensated for damages, including emergency response, water testing, restoration of natural resources, and lost revenue and taxes.

Heavy metals in the water could also affect crops, wildlife and even people in the future, he said.

"All these questions we don't have answers for yet," Reyes said. "That will probably be the back-and-forth with the agency in terms from trying to fix a cost for reimbursement to the state."

Alan Matheson, Utah Department of Environmental Quality executive director, said taking water samples four times a day in four locations along the San Juan River has been very expensive and not part of the budget.

And it will continue to cost money as the state monitors water quality over time to ensure Utahns are safe.

All these questions we don't have answers for yet. That will probably be the back-and-forth with the agency in terms from trying to fix a cost for reimbursement to the state.

–Utah Attorney General Sean Reyes

"This event has been tremendously disturbing," Matheson said.

Dayton asked Reyes, who met with his counterparts from Colorado and New Mexico in Durango, Colorado, last week, if he was able to find out whether the spill was "an accident on purpose" to qualify for federal cleanup money, or if "this really was an accident accident."

Reyes said in talking to some of the locals there was "some suspicion that the spill was not purely inadvertent. But I don't have anything more to report on that."

Rep. Mike Noel, R-Kanab, also questioned whether the spill was intentional, noting the EPA downplayed the severity and didn't notify the states for a couple of days. Noel represents San Juan and Kane counties, the two areas in Utah impacted by the contamination.

An outside entity needs to investigate why and how the spill happened, he said.

"Is this a criminal act? Is it a negligence act? Is it a gross negligence act?" Noel said. "Yes, yes, yes, is what I'm hearing."

The EPA announced Tuesday that the U.S. Department of the Interior will assess the factors that led to the incident and issue a report within 60 days.

**KOB Channel 4 News (NM)**

http://www.kob.com/article/stories/s3883725.shtml#.VdXTjPlVhHw

**Gov. Martinez orders state investigation into Animas River mine spill**

Updated: 08/19/2015 6:58 PM | Created: 08/19/2015 2:52 PM

By: Elizabeth Reed, KOB.com

Gov. Susana Martinez announced Wednesday that she has ordered the state Environment Department to launch an investigation into the massive mine waste spill into the Animas River.

According to a news release, the investigation will seek to determine the specific cause of the spill and how Environmental Protection Agency officials allowed more than 3 million gallons of waste to flow from the Gold King Mine into the waterways. Environment Department officials will also examine how affected residents, businesses and communities along the river were notified in the aftermath of the spill.

The river tested positive for heavy metals like arsenic, lead, cadmium and mercury. Officials in

Colorado and New Mexico closed the Animas River for a little more than a week.

The spill occurred at the mine near Silverton, Colorado, around 10:30 a.m. on Aug. 5. New Mexico officials were not notified until 9:30 a.m. the next day.

"New Mexicans deserve answers as to why this catastrophe happened and why the EPA failed to notify us in a timely manner," Martinez said in a statement.

**KUNM Radio (NM)**

http://kunm.org/post/food-security-fallout-after-animas-river-contamination#stream/0

**Food Security Fallout After Animas River Contamination**

By MARISA DEMARCO

8/19/15 10:00 PM EST

It's been two weeks since the Gold King Mine spill closed irrigation on the Navajo Nation and officials say fields around Shiprock are beginning to die off. Farmers there want to know when they'll be able to water their crops again.

The big white Shiprock Chapter House has been busy ever since the spill. Farmers drive in from all around, and emergency meetings sometimes have a couple hundred people in attendance. For many here, the wilting crops represent damage to food security, culture and a way of life.

Farming goes back in Gilbert Yazzie's family many generations. "It's part of our lifestyle," he said. "It's part of our culture, our families. What I know about what we're doing came from my grandfather and other elders in the family."

The Navajo Nation shut off irrigation from the San Juan River and waited on testing results from its own Environmental Protection Agency. "I will say this: I thank our creator for the rain we had the other evening," Yazzie said.

The U.S. EPA told farmers in nearby San Juan County to start using the water again, but it was the EPA who triggered the spill, and Navajo Council delegates questioned whether data from the agency can be trusted.

And Yazzie? He was thinking about food and hunger. "We usually have our first corn by now, and we were taking loads of steam corn out to people on the reservation, because I feel for them."

Yazzie and other farmers in Shiprock bring produce to regions of the Navajo Nation like Kayenta, Chinle and Gallup. "They're probably looking for us, waiting for us. 'Where is the ones who bring us the steamed corn?' " he said. "It's affected our lives. We say corn is life, also."

Farming means food security—and food sovereignty, Yazzie said. People out here rely on crops not just as a source of income but as nourishment year-round.

Carina Clark has around 10 acres of farmland that she and her family sow with many different colors of corn. "As far as I know, my family, it's like a survival food," she said. "That's how I think of it. It's food for our elders."

Right now, she said, she's just hoping and praying that everything will bounce back. "It's the food. It's our native food that we have," she said. "That's like our winter food. I don't know, it's just the thought of our farm areas being ruined."

The young kernels are ground for a staple bread made solely with corn. Big kernels are good for preserving and storing. And pollen is used in ceremonies and prayers.

"If there's a dry time, and if you don't water it right before it ripes, the kernels tend to sink, they have this funny form," she said.

They fall like a cake in the oven, she said. Clark's thoughts turned to the vendors who help sell her produce, and the possible financial impacts for them, too. "There are worries about what's to come, and it's like we're not really quite ready," she said.

Joe Ben Jr. is the farm board representative for the Shiprock Chapter, a region he calls the agricultural treasure of the Navajo Nation. He said farmers are becoming divided, and some want the irrigation water turned back on right away. "We've been knocked on our back," he said, "and we're barely getting back onto our knees and hands."

CREDIT MARISA DEMARCO / KUNM

Ben is also worried about the long-term effects of the spill, about heavy metals and toxic sediment being uprooted during torrential spring rains.

Right now, farmers are relying on stationary tanks filled by the Bureau of Indian Affairs. But Ben said those often run dry. "We are making efforts to water some fields. Hopefully that will save some people going through heart attacks," he said. "That's the reason I'm going all-out effort, to see a little portion of their field manifest. But majority of it is not going to happen."

Ben is advocating for a new fresh water source to be established—a pipeline from the Navajo Agricultural Products Industry—so future generations will have something they can count on in times of emergency.

**La Voz Colorado (CO)**

http://www.lavozcolorado.com/detail.php?id=8221

**Animas River contaminated**

By Ernest Gurulé

08/19/2015

For towns like Durango, one of the hubs of southwestern Colorado, summer tourism is essential. People come from all over the country to spend money on the awe-inspiring mountain views, the fishing and water sports or simply to enjoy the Durango experience. If tourism doesn't pay the bills for this picturesque mountain town, it most assuredly picks up the lion's share of the tab.

That's why the image of a mustard-yellow Animas River that went viral a week ago had the town in a near panic. The river, a 126 mile water way, was infected with a three-million gallon deluge of contaminated water drained accidentally from the nearby but long-abandoned King Gold Mine.

A contracted Environmental Protection Agency crew, using heavy equipment to pump out and treat the mine's built-up pond of dirty water, dug where it shouldn't have. The residue gushed a poison flow of water containing lead, cadmium, arsenic, magnesium and iron. The contamination first found refuge in Cement Creek before breaking free to taint the bustling Animas.

Because most of the state's mines – active or long dormant – are above 9,000 feet, when they leak, the water flows down and into places like Durango, nearby Farmington, New Mexico or Native American reservation lands that straddle both states.

The speed of the August 5th leak caught everyone by surprise. A picture snapped by a local photographer showed three kayakers suddenly afloat in a clearly unhealthy pool of yellow instead of the river's normal mountain green. Other images, including a number shot from high above the Animas, show a river resembling a giant yellow snake slithering its way to Durango and beyond.

Within days of the spill, the waste that had transformed the river's color into a grotesque shade of yellow had dissipated allowing it to return to its normal color. The improvement was such that Colorado Governor John Hickenlooper, who had put on hold capital business to go to the site, took part in a photo-op that had him drinking water from the Animas. To eliminate any possibility of giardia, a microscopic parasite that lives in mountain flows, Hickenlooper added an iodine tablet – which kills the parasite – to his water bottle thirty minutes before taking a drink.

The state of Colorado has pledged a half-million dollars to aid in the cleanup and to assist those who may have lost business as a result of the spill. EPA Director Gina McCarthy, who also visited the site as well as towns in New Mexico and Utah also affected by the spill, assured locals that the spill would be thoroughly investigated and that her department would assume full responsibility for the problem along with damages.

"I believe it's somewhere between calamity and disaster," said Tom Cech, Director of One World, One Water Center at Denver's Metropolitan State University, of the recent spill. "But it's definitely a tragedy." Making matters worse, he said, is that the spill was preventable. But he also cautions that full health of the river – or other Colorado rivers – should not be taken for granted because mining is a dirty business and there are literally thousands of abandoned mines throughout the Colorado high country and all are chock-full of poisonous chemicals.

But chemicals, including lead and iron, are also part of nature, said Colorado School of Mines Professor Ronald Hewitt-Cohen. "This was a spill of nasty material and treated judiciously." He says nature did its job and diluted most of the toxicity from the spilled chemicals and, he believes, present little harm downstream.

But downstream includes farmers and ranchers who depend on water from the Animas which merges into the San Juan. Ranching families, including the Gomez and Jacques who have been in the area for more than a hundred years, along with Native Americans, simply cannot continue living on the land if their main source of water is poisoned.

Beyond Durango, the biggest population centers affected by the spill were Farmington and Aztec, New Mexico. Farmington is the hub of the Four Corners and the spill was more than serious.

"Our immediate concern," said Farmington Mayor Tommy Roberts, "was protecting our drinking water." Roberts knew his city needed to act fast and, in this case, unilaterally. EPA information was slow or non-existent. "We were behind the curve," said the Farmington native and city chief executive. There was a failure "to notify downstream users." The first EPA notification of trouble, he said, did not arrive for "a full 24 hours after the initial leak."

In a recent telephone interview, Roberts said public health became the top priority. "We shut intake valves in our municipal water supply," he said. At the same time, Roberts had staff make certain that essential information get shared quickly. "Our team responded promptly and disseminated information to the public."

Roberts said costs to ensure public health will hit his city's budget but, right now, he has no idea what the final bill will be. "We extended manpower, equipment and materials and we will continue to build up expenses," he said. "We're confident that we will be compensated."

But costs go beyond municipalities. Colorado Attorney General Cynthia Coffman has met with her counterparts in New Mexico and Utah and legal action to make the states whole is an option. All three states filed disaster declarations.

In an interview with The Denver Post, Coffman expressed her disappointment with the EPA. "The statements by the (EPA's administrator) indicate the EPA is accepting responsibility for the accident. The question is: What does that mean?"

Because the worst of this spill seems to be over, concerns about the poisons contaminating lakes and reservoirs farther west have generally evaporated. By the time any of this water makes its way too far, said Hewitt-Cohen, "it should be diluted." But, he cautions, that should not necessarily make anyone feel confident about the future.

Hewitt-Cohen bases this opinion on the fact that this is not the first time that there has been a serious spill of polluted water into the Animas. He says two significant spills in the mid and late 70's took place. He also predicts that this recent spill may not be the last. "It's a time bomb and the longer we wait to address this issue of abandoned mines that are leaking into our waterways, the more these things are going to happen." The cost for cleaning up thousands of mines in

Colorado and throughout the West would be prohibitive. “We couldn’t afford it.”

But federal assurances inspire little confidence with Russell Begay, Navajo Nation President. The San Juan River, he said, not only provides a spiritual connection to tribal members but an economic one, as well. He fears that it could be “decades” before the river once again flows in full health.

**NBC Channel 11 KKCO (CO)**

http://www.nbc11news.com/home/headlines/Colorado-AG-to-tour-site-of-Animas-River-wastewater-spill-Wednesday-322283262.html

**Colorado AG to tour site of Animas River wastewater spill Wednesday**

Updated: Wed 10:39 AM, Aug 19, 2015

By: April Davis

SILVERTON, Colo. Colorado Attorney General Cynthia Coffman will tour the abandoned Gold King Mine in Silverton Wednesday where an Environmental Protection Agency- led crew spilled 3 million gallons of wastewater into the Animas River August 5th which has now affected several states.

Coffman spoke with Daybreak's April Davis Wednesday morning about her biggest concern with the spill.

"It's the long term affects. We know with a spill like this even when we don't see short term damage, and I'm so glad we haven't seen significant damage, it is what happens over a number of years especially with aquatic life and the impact on the banks of the river and those who use it for irrigation that I am concerned about. I want to make sure the Environmental Protection Agency is here and attentive to that when people need them," said Coffman.

Coffman and the Utah Attorney General will meet with EPA representatives at the mine Wednesday. The EPA claimed full responsibility for the spill.

Coffman along with the attorney generals from New Mexico and Utah, say it is too soon to decide if they will sue the federal government.

**NY Times:**

http://www.nytimes.com/2015/08/20/opinion/when-a-river-runs-orange.html?_r=0

**When a River Runs Orange**

By GWEN LACHELT, AUG. 20, 2015

Durango, Colo. — THE recent mining pollution spill in my corner of Colorado — La Plata County — is making national news for all the wrong reasons. Beyond the spill and its impact on everyone downstream, the underlying causes are far more worrisome and dangerous than just a mistake made by the Environmental Protection Agency.

Yes, it is a cruel irony that an E.P.A. contractor, while trying to clean up pollution from old mines, instead made the problem much, much worse. The jaw-dropping before-and-after photos contrasting the pre-spill Animas River I know and love with the subsequent bright orange, acidic, heavy-metal-laden travesty are sadly accurate.

The Animas River is the heart of La Plata County. Our jobs rely on it, people the world over travel here to raft and fish it, and farmers and ranchers feed their animals and water their crops with it. But more than that, it's a member of the community. We see it every day. We play in it. We work with it. And of course we drink it. It's no overstatement to say that La Plata County as we know it would not exist without the Animas River.

The damage caused by this spill is all the more heartbreaking because it is part of a larger national and ongoing tragedy: the hundreds of thousands of inactive and abandoned mines that litter our country, thanks to the General Mining Law of 1872.

President Ulysses S. Grant signed the Mining Law when the nation (apart from Native Americans, who had already lived here for thousands of years) regarded the West as a frontier to be conquered. Governing hard-rock mining, mostly of metals like gold and copper, the law is a product of its time. It gave away public minerals (worth an estimated $300 billion and still counting); sold mineral-bearing public lands for less than $5 an acre; contained no environmental provisions for mining operations, and required no cleanup afterward. Apart from a few small regulatory changes in 1980, the 19th-century act is still the law of the land.

The result? A study by the environmental group Earthworks estimated that approximately 500,000 abandoned and unreclaimed mines litter the country. The E.P.A. says that mining pollutes approximately 40 percent of the headwaters of Western watersheds and that cleaning up these mines may cost American taxpayers more than $50 billion.

Why hasn't this problem been solved, given its pervasiveness and impact?

It isn't because we don't know how. There are pilot reclamation projects around the West that have shown how to do it if we choose to. It isn't because it'll cost jobs. Montana's experience suggests that mine reclamation can create more jobs per dollar spent than mining itself.

The problem of unreclaimed, abandoned and inactive mines remains unsolved because the mining industry stubbornly obstructs meaningful attempts to reform or replace the 1872 Mining Law. As a result, there's simply not enough money to address the problem. The E.P.A. is operating on a shoestring budget. Despite this, an E.P.A. contractor was trying to reclaim the Gold King Mine because it was seriously polluting the Animas River before the spill. The E.P.A.

was doing the best it could with what it had. But what it had wasn't enough.

The solution to the problem is comprehensive reform of the old law, and Congress already has a bill before it that will do it: H.R. 963, the Hardrock Mining Reform and Reclamation Act of 2015, introduced by Representative Raúl M. Grijalva of Arizona.

The new law, currently bottled up in committee, would create a fund to clean up abandoned and inactive mines by establishing an 8 percent royalty on all new hard-rock mines on public lands, a 4 percent royalty on existing mines on public lands and reclamation fees on all hard-rock mines, including those that were "purchased" for low prices under the 1872 Mining Law.

A similar system is already in place for abandoned coal mines, so there's no practical reason it can't work for hard-rock mining too. The bill would also improve both reclamation standards and requirements that mining companies financially guarantee that taxpayers aren't on the hook for cleaning up existing mines.

What happened in La Plata County this month is a tragedy. For our ranchers and farmers, for wildlife, the tourism industry and all our local residents. The Animas River is part of our everyday life, and it needs to be protected. I'm not alone in wanting to stop this reckless pollution from endangering the rest of our communities and our environment.

**Post Independent (CO)**

http://www.postindependent.com/news/17787534-113/sen-bennet-talks-water-and-mine-clean-up-in

**Sen. Bennet talks water and mine clean-up in Vail**

By Brent Gardner-Smith

8/19/15

VAIL — Speaking at the Colorado Water Congress' summer meeting in Vail on Wednesday, U.S. Senator Michael Bennet said it would take an "all-of-the-above" strategy to meet Colorado's future water needs.

"The bottom line for me is that we've got to look at water a little bit like we look at energy in Colorado," said Bennet, a Democrat who was elected in 2010. "We need an all-of-the-above strategy that includes storage and conservation and efficiency. The reality is that we will need to make the best use of the water we have for the rest of our lifetimes."

The need for additional water storage facilities — new dams and reservoirs — is a consistent message heard at the Water Congress meeting and at water-supply planning meetings around the state.

Bennet acknowledged the time and effort that many attendees at the event have spent developing a statewide water plan, which is being prepared by regional "roundtables" and the Colorado Water Conservation Board.

The plan is to be submitted to the governor in December and comments on the second draft are due Sept. 17.

"I know that a lot of you here already have contributed many hours and days, and even years, and even, really, lifetimes to the effort," Bennet said. "The water community, the environmental groups, utilities, local governments and agricultural users have all been involved in the drafting of that plan."

He added, "Whatever comes out in the final plan, it's clear that action will be necessary to address the challenges that Colorado will face in the coming decades."

In his opening remarks, Bennet was highly critical of the gridlocked nature of the U.S. Congress and said he's tried very hard not to spend "one second over the last six years contributing to the dysfunction that's there," but instead has worked to find "bipartisan solutions to real challenges that we have."

He spoke of a week-long tour of the wheat fields of eastern Colorado that he took recently with Republican U.S. Senator Cory Gardner of Colorado, and how the two of them also agreed to travel to Durango together in the wake of the Gold King Mine spill that discolored the Animas River on Aug. 5.

"It is fun, people see a Democrat and a Republican working together, and they wish they were seeing that in D.C." Bennet said.

In response to a question, Bennet said he was exploring a Colorado-only version of "Good Samaritan" legislation, which would shield individuals and organizations that want to work to clean up old hard-rock mines from inheriting the full liability for the mine.

"If we could figure out a way to develop some sort of pilot legislation — we've been talking to Congressman Tipton's office about that — that would allow us to do what needs to be done in our state, that would be a good step forward," Bennet said, noting there are "thousands" of old mines in Colorado that need to be cleaned up. "Being stuck in this stasis of not being able to address it guarantees exactly what happened the other day, and I don't think we ought to have our state have to confront something like this again."

**The Taos News (NM):**

http://www.taosnews.com/news/article_feb0dc84-46c1-11e5-8b0f-8fd9906452b8.html

**Red River 'comeback' contrasts Animas mess**

J.R. Logan 6 hrs ago

For almost half a century, Taylor Streit has been harassing trout on the Red River. And for much of that time, he was also harassing officials at the Questa molybdenum mine — a major contributor of toxic contamination that would periodically wipe out one of his favorite fisheries.

So when Streit saw the Animas River turn to Tang-colored sludge a couple weeks ago, it reminded him of the way the Red River turns a milky blue when a summer monsoon pounds the mountains above Questa, dumping loads of heavy metals into the water.

Streit never hid his contempt for the mine. In the '70s, he was part of a vocal group — Concerned Citizens of Questa — that fought to hold the industry accountable for the environmental disaster it created.

But today, Streit's scorn has mellowed. The Red River isn't perfect, but it's getting a lot more love. Water quality is better, and there is a solid plan to spend hundreds of millions of dollars to take care of decades of mine waste that once threatened to decimate the watershed. Fishing parks are even popping up in areas that were once written off as dead water.

"The grudge is gone," says Streit. "It's a whole new thing now. The Red has been a remarkable comeback story."

The progress around Questa is brought into better focus in the wake of the spill at Gold King Mine — one of hundreds of abandoned or potentially harmful mines near Silverton, Colorado. Some experts think efforts to adopt more progressive mining laws, as well as the decision 15 years ago to allow the U.S. Environmental Protection Agency to get involved in Questa, have been the difference between slow but steady improvements on the Red River, and the wave of orange muck on the Animas.

Twenty years ago, Questa and Silverton shared a lot of similarities. The mining industry had

long been a mainstay of the local economies. Both areas were also suffering environmental degredation believed to be, at least in part, the industry's fault.

In the mid-'90s, EPA was gingerly poking around in both locations while gauging the appetite for agency involvement in some kind of cleanup.

Under the Superfund program (established in 1980), EPA has the authority and vast resources to address hazardous waste sites, and to hold the parities that created the mess responsible for the cleanup. It's a proven tool for remediation, but it often takes a very long time and is very expensive. Plus, Superfund involves the sometimes heavy-handed intervention of the federal government, which can rub local leaders in rural areas the wrong way.

With a Superfund listing looming, both communities first tried to find a resolution locally. In Silverton, representatives of local and state government, the mining industry and environmental groups formed the Animas River Stakeholders Group hoping to improve water quality while avoiding Superfund status. "Most of the stakeholders thought that such a designation would lead to lots of litigation, reduced property values, distrust and resources going to attorneys and consultants as opposed to on the ground projects that might improve water quality," the group's website reads. That group still meets regularly and has had some success at improving water quality while dodging Superfund designation. This month's spill was an obvious setback.

In Questa, state regulators made efforts to negotiate a deal with the mine's then-owner, Molycorp. At the time, both reportedly feared Superfund status would mean a longer and more costly cleanup. But when those talks fell through, then-Gov. Gary Johnson — a Republican — called in the big guns. "I hearby concur that EPA should place the Molycorp mine in Questa, New Mexico on the [Superfund list] for cleanup," Johnson wrote in a letter to the EPA. With the governor's blessing, federal regulators stepped in.

Jim Kuipers, a Montana-based consultant on mine-related environmental and reclamation issues, thinks that decision set Questa on a very different and ultimately fruitful path toward recovery. Kuipers has been offering technical advice at Questa for almost 20 years, and he says he's intimately familiar with the situation facing Silverton.

In the mid-'90s, Kuipers says the potential for massive contamination coming from the Questa

mine was enormous. Molycorp had refused to accept any responsibility for heavy metals polluting the river (studies have shown some of the pollution is naturally occurring, but most conclude that mine waste was a major contributor). If the company suddenly decided to walk away — a scenario that wasn't impossible to imagine— it would eventually lead to catastrophe.

At Silverton and Questa, the primary cause of mine-related pollution is acid mine drainage. Disturbance caused by mining exposes iron sulfide (pyrite) to the elements. When iron sulfide combines with water and air, it creates sulfuric acid. The acid then leaches through the surrounding rock, dissolving other harmful metals, which can then pollute surface and groundwater.

If Molycorp had gone belly up, or simply abandoned the mine, Kuipers said the underground workings would fill with a toxic brew that would eventually spill over into the Red River watershed, causing damage far greater than that seen this month on the Animas.

To avoid that scenario, Kuipers said the New Mexico Legislature made great strides by passing the New Mexico Mining Act in 1993. The act clamped down on mine operators, requiring them to put up a cash bond meant to cover the cost of reclaiming a mine site in case a company refuses to do the work. The new law also required mines to have a plan in place to close a mine when and if it ceases operations.

"New Mexico really got its act together," Kuipers says, adding that Colorado law is far less progressive when it comes to holding mining companies accountable for their messes. Even with with the act, Kuipers said problems at the Questa mine probably wouldn't have been addressed without EPA's involvement. If the state had tried to hold the company to task on its own, Kuipers suspects it would have been bogged down in an endless legal battle that still might not be resolved. "When EPA showed up, it's not like everyone was thrilled," Kuipers remembers. "But there was a recognition that, without EPA's authority, it wouldn't get done."

In the subsequent 15 years, EPA has forced the mine owner to the table and has set in motion an $800 million cleanup that will be paid for on the company's dime. Kuipers says the Superfund process quantified how much damage the mine caused, and how much it would have to clean up.

A deal was reached, but that discussion has sometimes been far from amiable. In fact, Chevron is still suing the U.S. Government, asserting that the feds are partially responsible for the mess because they goaded the mine to develop more ore when the country needed more molybdenum. "Folks duked it out, but the result has been pretty good," Kuipers says.

There are parts of the Questa situation that make it a much simpler puzzle to solve. First, the owner of the mine, Chevron, is among the most powerful and wealthy corporations on the planet. A little mine in New Mexico is only a footnote in its global portfolio, and it has deep enough pockets to cover the hundreds of millions of dollars it's going to take to finish the decades of reclamation that still lie ahead.

In some respects, the situation in Silverton is far more complicated. First, ownership of the area's myriad mines is far more diverse, meaning EPA would have to try to hold several parties responsible for clean-up costs. In some cases, there might not be anyone who could be held to account for pollution emanating from a specific abandoned mine.

Local resistence has also been fierce. Until very recently, few in Silverton were willing to suggest EPA should order a full-blown Superfund approach. They worry Superfund would hurt tourism, or slam shut the door to future mining in the area. And since it was the agency that caused the spill this month, there are plenty who think the feds are not up to the job. At the same time, there are mounting reports of Silverton residents who have voiced support for Superfund. That, combined with pressure from communities downstream that felt the brunt of the spill, could set that community on a different path.

It's worth noting that the Questa mine was an unusual Superfund case because it was, until last summer, an operating mine. Chevron officials insist the government mandated reclamation had nothing to do with their decision to close the mine permanently. Those who've been fighting to protect the Red River, meanwhile, are thankful to have gotten what they consider a head start. "There are still a lot of details to be ironed out in terms of specific remedies on the ground, but I think we're in a lot better position here then they are on the Animas River," says Rachel Conn, interim executive director of Taos-based environmental group Amigos Bravos. "At least we're part way down that process and beginning to look at remedies. But a lot of those remedies still have to be implemented."

**From:** Bressler, Lindsey
**Sent:** Wednesday, August 19, 2015 12:51 PM
**Subject:** CO Mine Spill Clips - 8/19

**ABC 9 Local News Colorado**

http://www.9news.com/story/news/local/2015/08/19/gold-king-mine-recovery/31967057/

**9NEWS gets tour of Gold King Mine**

Steve Staeger got a look at the cleanup efforts in the Gold King mine. 9NEWS at 9 p.m. 08/18/15. KUSA

Steve Staeger

KUSA 10:30 p.m. MDT August 18, 2015

KUSA – 9NEWS Reporter Steve Staeger got a new look Tuesday at the Gold King Mine, where 3 million gallons of toxic water spilled into the Animas River, devastating communities downstream.

The water was accidentally released by EPA crews earlier this month.

Todd Hennis, the owner of the mine, took Staeger on a tour of the area that is still discharging more than 500 gallons of contaminated water per minute.

Hennis' theory is that after the EPA backfilled the portal shortly before winter, that water backed up behind the wall of dirt and rock. He thinks when crews came back to dig it out, it blew out.

The EPA will not confirm this theory.

Meanwhile, the EPA is holding contaminated water in tanks before treating it on its way back to the Animas River.

The Department of Interior announced Tuesday it will conduct an internal review, and hopes to have an idea of the cause in 60 days.

**Alberquerque Journal (NM)**

http://www.abqjournal.com/630508/news/review-of-spill-damage-urged.html

**Review of spill damage urged**

By Dan Boyd / Capitol Bureau Chief

PUBLISHED: Wednesday, August 19, 2015 at 12:05 am

SANTA FE – Five state lawmakers are urging members of New Mexico's congressional delegation to pursue federal legislation that would mandate an independent review of the damage caused by 3 million gallons of mine waste spilling into a tributary of the Animas River and possibly provide financial compensation for affected communities and individuals.

In a letter sent Tuesday, the five legislators – four of whom represent northwestern New Mexico districts – said the legislation is needed in the aftermath of the spill, which occurred Aug. 5 and was caused by U.S. Environmental Protection Agency workers who were inspecting an

abandoned gold mine near Silverton, Colo.

"The EPA's actions this past week are inexcusable and will have a lasting effect throughout northwest New Mexico," the legislators said in their letter. "We are optimistic that you will pursue legislation to begin rectifying what the EPA has done and to reassure residents along the San Juan River that the federal government will accept full responsibility for the spill and take measures to ensure that it never happens again."

The five lawmakers, all Republicans, who signed the letter were House Majority Leader Nate Gentry of Albuquerque and Reps. Rod Montoya of Farmington, Paul Bandy of Aztec, Sharon Clahchischilliage of Kirtland and James Strickler of Farmington.

Gentry said having an outside review into the spill would help restore public confidence, saying, "With the people of that area, there's not a lot of trust right now in the EPA."

The EPA has apologized for the mine waste spill, which released lead, arsenic, cadmium and other toxic heavy metals into the tributary of the Animas River. The river flows from Colorado into New Mexico, where it joins the San Juan River.

Although the Animas River was recently reopened for recreational activities, the spill caused five New Mexico water systems, including those of Farmington and Aztec, to temporarily stop pumping water from the river, forcing them to rely instead on water storage reserves.

As a precedent for the idea of compensating individuals affected by the mine spill, the legislators cited legislation that was signed into law by then-President Bill Clinton after the 2000 Cerro Grande Fire in Los Alamos. The fire started from a prescribed burn set by the National Park Service to clear out brush at Bandelier National Monument. It was whipped out of control by wind and ended up burning nearly 43,000 acres and destroying hundreds of homes.

Several members of New Mexico's congressional delegation have already reacted to the Animas River mine spill.

U.S. Sens Tom Udall and Martin Heinrich and U.S. Rep. Ben Ray Luján – all three are Democrats – have called on President Barack Obama's administration to expedite water quality testing and address a shortage of potable water. In addition, Heinrich introduced legislation last week that would change federal mining regulations so royalties from mining companies could be collected to help pay for environmental cleanup efforts.

A spokesman for Luján, whose congressional district includes northwestern New Mexico, said the representative has already raised the issue of compensation with EPA Administrator Gina McCarthy.

"Congressman Luján made it clear to Administrator McCarthy, both when he spoke with her after the spill and again when he met with her in Colorado and New Mexico, that EPA has a responsibility to compensate all those impacted by the mine spill," Luján spokesman Andrew Stoddard said in a Tuesday email. "State, local, and tribal governments as well as individuals, farmers, and business owners must be made whole, and he will work to hold EPA accountable for the short-term and long-term costs of this spill."

Gov. Susana Martinez has also issued a state of emergency in the aftermath of the mine spill, freeing up emergency state funding, and announced this week that she is forming a team to study the spill's long-term impact.

Both Bandy and Strickler, chairman of the House Energy, Environment and Natural Resources Committee, have argued in the past against tougher state rules for oil and natural gas operators, but Gentry said Tuesday that the issues are different.

"It's not as though the oil and gas producers were dumping their waste into the San Juan River," he told the Journal. "This was an obvious and direct environmental catastrophe."

**Arizona Daily Sun (AZ)**

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http://azdailysun.com/news/local/adeq-and-az-game-and-fish-to-monitor-fish-at/article_3c7eb791-7b28-5b37-9dd8-085df70b24e1.html

**ADEQ and AZ Game and Fish to monitor fish at Lake Powell after mine spill**

8/19/15, 9:30 EDT

The Arizona Game and Fish Department and Arizona Department of Environmental Quality are teaming up to monitor fish at Lake Powell and Lees Ferry after the Gold King Mine spill.

The two departments released a statement Tuesday afternoon saying they will collect a broad spectrum of environmental samples, including water and tissue samples from fish, over the next few weeks at Lake Powell, Lees Ferry on the Colorado River and Glen Canyon Dam.

On Aug. 5, employees from the U.S. Environmental Protection Agency and workers from a contractor hired by the EPA caused the spill when they were inspecting the mine near Silverton, Colo. The spill caused more than three million gallons of mine waste and tailings to flowing into Cement Creek, a branch of the Animas River. It has also contaminated the San Juan River and Colorado River, which are fed by the Animas River.

“Although the dilution and travel times are great, the potential impact, both short-term and long-term, to fish and other natural resources in Arizona must be properly evaluated,” said AZ Game and Fish Fisheries Chief Chris Cantrell.

All of the samples should be collected by AZ Game and Fish and ADEQ by mid-October and will be analyzed for heavy metals. They will be compared with samples that the two departments took last week.

Game and Fish said last week's samples are currently being analyzed. ADEQ hopes to have the results soon and will compare those results with the state’s water quality standards and historical

water data from the area.

Officials from Game and Fish said the already diluted plume of mine waste, will become even more diluted in Lake Powell. The plume is estimated to be about nine acre feet water; the lake currently holds 13 million acre feet of water.

Game and Fish and ADEQ estimate that it may take 18 months to two years for the plume to work its way through the lake to Glen Canyon Dam.

**Associated Press (via Watertown Daily Times, WI)**

http://www.wdtimes.com/news/national/article_13e962a7-cd7e-594c-9971-9136c406b585.html

**Interior Department to lead review of Colorado river spill**

Posted: Wednesday, August 19, 2015 8:57 am

WASHINGTON (AP) — The Interior Department will lead a review of the Colorado mine spill that tainted rivers in three western states.

The review was announced late Tuesday after elected officials from both parties questioned whether the Environmental Protection Agency should be left to probe its own heavily criticized response to the disaster. EPA and contract workers accidentally unleashed 3 million gallons of contaminated wastewater on Aug. 5 as they inspected the idled Gold King mine.

The Interior Department's report is expected to be released publicly in 60 days.

In addition, EPA's inspector general is conducting a separate review of the incident. Leaders of oversight committees in both the House and Senate say they are planning hearings after Congress returns from its August recess.

**Associated Press (via Elko Daily News NV)**

http://elkodaily.com/twinfalls/ap/washington/epa-watchdog-investigating-toxic-mine-spill-in-colorado/article_2db89c0f-583d-5a59-ba5f-b0c36d37c222.html

# EPA watchdog investigating toxic mine spill in Colorado

August 17, 2015 2:43 pm

By MATTHEW DALY

WASHINGTON (AP) — The inspector general for the Environmental Protection Agency is investigating the cause of a massive spill from an abandoned Colorado gold mine that unleashed 3 million gallons of contaminated wastewater into rivers that supply water to at least three states.

The inspector general's office said the investigation also will focus on the EPA's response to the Aug. 5 spill from the defunct Gold King Mine near Silverton, Colo.

EPA and contract workers accidentally unleashed 3 million gallons of contaminated wastewater as they inspected the idled mine. The spill released heavy metals such as arsenic, cadmium, lead and mercury into a tributary of the Animas River, turning the river sickly yellow and raising concerns about long-term environmental damage.

The spill affected rivers that supply water for drinking, recreation and irrigation in Colorado, New Mexico and Utah as well as the Navajo Nation.

A diluted toxic plume reached Lake Powell, a huge reservoir 300 miles downstream that feeds

the Colorado River and supplies water to the Southwest.

The inspector general's office said the investigation comes in response to a congressional request.

Lawmakers from both parties have criticized the EPA's response as slow and overly cautious. Leaders of oversight committees in both the House and Senate say they are planning hearings after Congress returns from its August recess.

EPA Administrator Gina McCarthy has said her agency takes full responsibility for the accident and expressed deep sorrow for the environmental harm caused to the Animas and San Juan rivers.

McCarthy traveled to Colorado and New Mexico last week following bipartisan pressure from congressional delegations in the two states. Lawmakers from Utah, Arizona and other Western states also have blasted the EPA for a response many call insufficient.

"Among the most basic and simple questions that Coloradans want answered after the Gold King Mine spill are, 'What is in the water?' and 'Is it safe?'" Sen. Michael Bennet, D-Colo., said last week.

Bennet called the EPA's initial response to the spill "too slow and inadequate" and said testing for water quality and sediment levels was proceeding too slowly.

A spokeswoman for the EPA declined to comment Monday. But McCarthy said in Colorado last week that her agency will conduct internal reviews and hire an outside agency to conduct an independent review.

"No agency could be more upset about the incident happening, more dedicated about doing our job and getting this right," McCarthy said. Mine remediation operations throughout the country

are being scrutinized to ensure they are being safely performed, she said.

There are about 500,000 abandoned mines nationwide. The EPA has estimated the cost of cleaning up abandoned mines nationwide, not including coal mines, at between $20 billion and $54 billion.

Officials in New Mexico have lifted water restrictions for the Animas and San Juan rivers imposed after the spill. The San Juan flows into the Animas and also was polluted.

Colorado has reopened the Animas River to boating, while Utah has allowed San Juan River water to be used for crop irrigation and livestock.

Meanwhile, the EPA released new data for contamination in the San Juan River between Farmington and Shiprock, New Mexico.

The highest sample for total lead was 250 parts per billion on Aug. 8 west of Farmington, where the San Juan flows into Navajo lands, the agency said. That's five times the federal drinking water standard for humans.

The Navajo Nation is waiting for test results from its own Environmental Protection Agency before deciding whether to declare the San Juan River safe for use. Navajo President Russell Begaye has advised tribal members not to let livestock drink from the river and to shut off irrigation systems fed by the river, but the tribe has not physically barred anyone from accessing the water.

Spokesman Mihio Manus said officials have drawn samples from the part of the river that runs through the northern portion of the reservation, but he wasn't sure when tests would be complete.

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Associated Press writers Felicia Fonseca in Flagstaff, Arizona, and Michael Biesecker in Washington contributed to this report.

**Associated Press (via the Coloradoan, CO)**

http://www.coloradoan.com/story/news/2015/08/18/utah-attorney-general-not-rushing-to-sue-epa-over-mine-spill/31955159/

**Utah Attorney General not rushing to sue EPA over mine spill**

AP 6:33 p.m.

MDT August 18, 2015

SALT LAKE CITY (AP) — Utah's Attorney General said Tuesday he's not rushing to sue the Environmental Protection Agency over a massive spill of mine waste accidently unleashed by its workers, but the agency needs to be held accountable.

Sean Reyes told Utah lawmakers that he first wants to see how the EPA proposes to fix the damage to the state's waters. Legal action will be on the table if the agency's actions fall short, he said.

"I want to give the administrator a chance to prove her commitment and her promise that they will held be fully accountable and they will hold themselves to the highest standard," Reyes said. "What that means is yet to be seen."

Utah lawmakers called for an independent investigation into the Aug. 5 spill from an abandoned Colorado gold mine and the EPA's response. The 3-million-gallon spill sent heavy metal-laden wastewater flowing into Utah and at least two other states.

Rep. Mike Noel, a Kanab Republican who represents Utah counties heavily affected by the spill, said the agency initially downplayed the magnitude of the disaster and a private company would likely face hefty fines for such an accident.

The toxic plume has now reached Utah's Lake Powell, the huge reservoir that feeds the Colorado River and supplies water to the Southwest.

Utah Sen. Margaret Dayton questioned whether waiting to sue is a good idea. "The more time we give them, the more damage is done," said Dayton, a Republican from Orem.

But Reyes said a hastily filed lawsuit can become a headache if new information undermines its legal basis. He plans to visit the site of the spill near Silverton, Colorado, on Wednesday.

Meanwhile, U.S. Rep. Rob Bishop has visited Lake Powell. The chair of the House Committee on Natural Resources said joint congressional hearings on the spill could start in mid-to-late September.

"No one will know what the long-term effects are going to be," the Republican congressman said in an interview after his Monday visit. While preliminary tests indicate the now-diluted toxic plume poses little danger to Lake Powell, that hasn't been confirmed yet and some people have canceled trips to the area popular with tourists and fishermen, he said.

Bishop said EPA officials were slow to share information about how the leak happened and what was in the wastewater. "Had this been a private company, heads would have been rolling well before now," he said.

The EPA inspector general is also investigating the cause of the spill that released heavy metals, including arsenic, cadmium, lead and mercury. The waster turned the Animas River sickly yellow and contaminated waters in New Mexico and the Navajo Nation.

EPA Administrator Gina McCarthy has said her agency takes full responsibility for the accident.

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**Associated Press (via Colorado Springs Gazette)**

http://gazette.com/ben-carson-slams-epa-in-colorado-visit/article/1557593

**Ben Carson slams EPA in Colorado visit**

Associated Press

Updated: August 18, 2015 at 6:44 pm

DURANGO — Republican presidential candidate Ben Carson took a helicopter tour Tuesday of the southwestern Colorado river affected by this month's mine wastewater spill and said the Environmental Protection Agency, which caused the spill, must be held accountable.

From the air, Carson saw the Gold King Mine near Silverton, Colorado, where the spill originated, before he addressed about 2,000 people in a Durango park.

Carson characterized the EPA as dominated by "a bunch of bureaucrats who don't know a bunch of anything," according to The Durango Herald.

"What's the long-term impact as metals seep into the ground ... and animals ingest them?" he asked.

An EPA-supervised crew doing investigation work at the Gold King Mine triggered the spill on Aug. 5. The metals-laden spill temporarily closed the Animas River and spread downstream into New Mexico and Utah.

The EPA took responsibility and has opened a claims process. Attorneys general from Colorado, New Mexico and Utah have vowed to monitor the agency's reparations and take legal action if necessary.

**Associated Press (via CBS Denver)**

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http://denver.cbslocal.com/2015/08/18/utah-lawmakers-to-be-briefed-on-massive-mine-waste-spill/

**Utah Lawmakers To Be Briefed On Massive Mine Waste Spill**

August 18, 2015 12:27 PM

SALT LAKE CITY (AP) — State lawmakers are expected to be briefed on a massive spill from an abandoned Colorado gold mine that sent toxic wastewater flowing into Utah and at least two other states.

Utah Attorney General Sean Reyes is set to speak to the State Water Development Commission on Tuesday.

He has said that Utah will make sure the Environmental Protection Agency is accountable for the spill accidentally set off by its workers on Aug. 5, though he hasn't said whether the state will sue.

The toxic plume has now reached Lake Powell, the huge reservoir that straddles the border with Arizona and feeds the Colorado River and supplies water to the Southwest.

U.S. Rep. Rob Bishop visited the site Monday, and says the EPA should answer for the spill and its aftermath.

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**Associated Press (via KTAR News, AZ)**

http://ktar.com/2015/08/17/navajo-nation-doing-its-own-water-testing-after-toxic-mine-spill/

**Navajo Nation doing its own water testing after toxic mine spill**

By Associated Press

August 17, 2015 @ 3:33 pm

FLAGSTAFF, Ariz. — The Navajo Nation said it's waiting for test results from its own environment officials before deciding whether to declare the San Juan River safe for use.

Tribal President Russell Begaye has advised Navajos not to let livestock drink from the river or use the water for crops.

Although public outrage followed almost as quickly as the spill itself, EPA toxicologist Deborah McKean said the sludge moved so quickly after the spill that it would not have even "caused significant health effects" to animals that consumed the water.

Meanwhile, New Mexico has lifted water restrictions for the Animas and San Juan rivers, and Colorado has reopened the Animas to boating. Utah also has given the OK for San Juan River to be used for crops and livestock.

Begaye spokesman Mihio Manus said the tribe's Environmental Protection Agency

is analyzing water samples following a leak of contaminants at a Colorado gold mine. The Aug. 5 spill sent a plume of pollutants downstream into the San Juan

River.

Last week, the Arizona Department of Environmental Quality said the spill caused no damage to Arizona's surface, ground or drinking water.

Data collected within 24 hours of the spill showed that contaminant levels were approximately 50 percent lower after moving about 10 miles downstream from the Animas River, according to a recent press release. Lake Powell, where the river first enters Arizona, is located 250 miles further downstream.

Although ADEQ officials believe Arizona is in the clear, they are still taking several precautions to address potential future impacts, such as monitoring the water quality of Glenn Canyon Dam, which flows into Lake Powell, and coordinating with several state agencies to monitor the pollution levels in surrounding areas.

KTAR's Jim Cross and Jessica Suerth, along with the Associated Press, contributed to this report.

**CBS Denver**

http://denver.cbslocal.com/2015/08/19/venture-inside-gold-king-mine-source-of-animas-river-spill/

**Venture Inside Gold King Mine, Source Of Animas River Spill**

August 19, 2015 6:21 AM

DURANGO, Colo. (CBS4) – CBS4 got the first look inside the source of the toxic spill on the Animas River, at the Gold King Mine where millions of gallons of contaminated water were released.

The EPA admits it's responsible, and the Department Of Interior announced Tuesday that it's launching an independent investigation into how it happened.

Dressed in helmets, protective glasses and vests, CBS4's Rick Sallinger got the first close up look at what's been called an environmental catastrophe.

A task force escort of ATVs ascended 13,000 feet above sea level where the portal of the Gold King Mine is found.

Here, a giant cavity and crushed timbers now remain where a plug once sealed the mine and the water within.

Millions of gallons of toxic water temporarily turned the Animas River into an eerie, orange nightmare, for which the EPA has accepted responsibility.

Gold King Mine owner Todd Hennis says he never should have let the federal government in four years ago.

When asked if that laid the groundwork for what happened, Hennis responded, "Yes. I basically turned over the property and environmental remediation to the EPA. I had no choice."

The agency is now managing the emergency clean up. Water that continues to flow from the mine is now directed into a series of cleansing ponds.

Workers in protective suits measure the water quality as waste continues to discharge through at a much lesser rate.

Hennis pulled out maps that he says show the water could have originated in an adjacent mine, but whose owners deny it.

"All connected, all showing a mass of workings. Like spider webs," Hennis said.

He warns there is much more water buried in these abandoned mines.

"It may not look like it as we stand here, but we are standing on a time bomb," he said.

It's something he fears may explode sooner rather than later.

That and other worries of residents will be addressed at a public meeting Thursday in Durango.

**Daily Courier (AZ)**

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http://dcourier.com/main.asp?SectionID=36&SubSectionID=1118&ArticleID=148804

**Editorial: Who should we believe after wastewater spill?**

By Tim Wiederaenders

8/18/2015 6:02:00 AM

The sprawling Navajo Nation in northeast Arizona borders the rivers downstream from the mine wastewater spill in Colorado that turned flowing water the color of mustard.

The Navajo Nation says it's waiting for test results from its own environment officials before deciding whether to declare the San Juan River safe for use, the Associated Press reported Monday. Tribal President Russell Begaye has advised Navajos not to let livestock drink from the river or use the water for crops.

Meanwhile, New Mexico has lifted water restrictions for the Animas and San Juan rivers, and Colorado has reopened the Animas to boating, the AP said. Utah also has given the OK for San Juan River to be used for crops and livestock.

Add to that the following from the Arizona Department of Environmental Quality (ADEQ): Officials announced Monday they have examined data provided by states upstream of Lake Powell and closer to the Gold King Mine spill. ADEQ's analysis of data released by the Utah Department of Environmental Quality of samples collected about 100 miles from Lake Powell (closest Utah sample) shows that water quality conditions in the San Juan River upstream of Lake Powell are generally consistent with pre-spill conditions.

"Based on what we're seeing with the water flowing into Lake Powell, we don't expect there to

be noticeable change in water quality in Arizona," ADEQ Director Misael Cabrera stated in a news release.

I don't see it that clearly.

First, it reminds me of the elected official from the original "Jaws" movie who refused to declare a state of emergency one day ahead of their biggest tourism weekend. Go figure.

How about a real-life example? Try officials in Lake Havasu City who said in the 1990s they were all too happy to move the airport off the "island" to north of town, because temperature readings were registering five to as many as 10 degrees cooler in the new location.

Yep, 126 degrees (F) in the shade could scare away tourists. (Personal temperature reading on that one.)

The only sense officials begin to make in regard to the mine wastewater spill is when they cite the following: "To put this spill into perspective, the three million gallon estimated volume of the spill represents a miniscule fraction of a percent (0.000071 percent) of the total volume of water in Lake Powell (more than four trillion gallons as of July 29, 2015)," Cabrera said, adding that ADEQ does not expect this spill to have short- or long-term negative impacts to Lake Powell and the downstream Colorado River.

You decide, while rainwater harvesting continues to look better and better to me.

- Tim Wiederaenders, city editor

**Daily Times (NM)**

http://www.daily-times.com/four_corners-news/ci_28663607/interior-department-will-review-gold-king-mine-spill

**Interior Department will review Gold King Mine spill**

Lawmakers request federal legislation to address damages

By Joshua Kellogg The Daily Times

UPDATED: 08/18/2015 09:58:50 PM MDT

FARMINGTON — The U.S. Environmental Protection Agency announced Tuesday that the federal Department of the Interior will lead an independent review of the Gold King Mine spill that released 3 million gallons of toxic wastewater into the Animas River from an abandoned mine north of Silverton, Colo., earlier this month.

The review's goal is to provide the EPA an analysis of the incident and any contributing causes, according to an EPA press release. The Interior Department's assessment is expected to be released in about 60 days.

Also in response to the spill, San Juan County lawmakers sent a letter to the New Mexico Congressional Delegation asking for federal legislation to address damage caused by the mine spill.

The letter, dated Tuesday, is signed by House Majority Leader Nate Gentry, R-Albuquerque; Rep. Paul Bandy, R-Aztec; Rep. James Strickler, R-Farmington; Rep. Sharon Clahchischilliage, R-Kirtland; and Rep. Rod Montoya, R-Farmington.

Several of the lawmakers are expected to speak about the letter during a 1 p.m. press conference today at the Farmington Civic Center.

In the letter, the representatives state they want legislation requiring an independent environmental impact study on the immediate and long-term effects of the spill and to investigate the EPA's action before, during and after the incident. They also ask the EPA to compensate those affected by the spill and to create a plan for monitoring the spill's effects in both northern New Mexico and on the Navajo Nation.

The letter adds that such legislation would not be unprecedented. It points out that after the Los Alamos Cerro Grande Fire in 2000 devastated northern New Mexico, legislation was passed to create a Federal Emergency Management Agency office to process claims to compensate victims.

The blaze stemmed from a National Park Service prescribed burn that spread out of control, destroying hundreds of homes and causing nearly $1 billion in damages.

Sen. Tom Udall, D-N.M., and Sen. John McCain, R-Ariz., also released statements Tuesday afternoon thanking the Senate Indian Affairs Committee for agreeing to hold an oversight hearing on the impact of the mine spill.

Earlier in the day, the senators sent a letter asking the chairman of the committee, Sen. John Barrasso, R-Wyo., and the vice chairman, Sen. Jon Tester, D-Mont., to hold a hearing on both the spill and other EPA activities, including the "cleanup of Cold War era uranium mining."

After touring the mine site and the Animas River from a helicopter, Republican presidential hopeful Ben Carson made a campaign stop in Durango, Colo. In a statement, Carson said the EPA, which has taken responsibility for the spill, needs to be accountable to the impacted residents and businesses.

"For too long, the EPA has used coercion instead of consensus; fines instead of finesse; penalties and punishments instead of pragmatism," he said in a statement. "If we want a better environment for our children, these practices must stop. Our environment needs solutions, not scolding and scapegoating."

Meanwhile, restrictions along the San Juan River remain in effect on the Navajo Nation.

The tribe's Office of the President and Vice President continued on Tuesday to advise tribal members against using water from the river for livestock watering, crop irrigation or recreational purposes, said a spokesman for the office, Mihio Manus.

Officials do not have an estimate for when the restrictions will be lifted, but Navajo Nation President Russell Begaye is expected to address that after more data is released by both the U.S. EPA and the tribe's EPA, Manus said.

"I cannot give you a date or time," he said.

The city of Aztec announced Tuesday it will start pumping water from the Animas River to its water treatment plant on Thursday. Aztec and Farmington stopped drawing from the river after the mine spill released pollutants into the Animas and then the San Juan rivers.

Aztec City Manager Josh Ray said officials felt comfortable pumping from the river after water testing results were released by the U.S. Environmental Protection Agency, the New Mexico Environment Department and the city of Farmington.

"We made sure to check the headgate and river pump to make sure neither of those are contaminated," Ray said.

As previously reported, Farmington City Manager Rob Mayes announced Monday that the city plans to resume piping river water to its treatment plant on Thursday if independent tests conducted Monday confirm that is safe.

Water from city municipal water systems remains safe to drink.

Reporter Noel Lyn Smith contributed to this report.

Joshua Kellogg covers education for The Daily Times. He can be reached at 505-564-4627 and jkellogg@daily-times.com. Follow him @jkelloggdt on Twitter.

**Daily Times (NM)**

http://www.daily-times.com/four_corners-news/ci_28656002/almost-two-weeks-after-spill-san-juan-county

**Navajo Nation farmers express concerns about quality of delivered water**

By Noel Lyn Smith The Daily Times

UPDATED: 08/18/2015 08:34:43 PM MDT2 COMMENTS

The Navajo Nation has an advisory still in effect that instructs ranchers and farmers not to use San Juan River water. Using the river water has been prohibited since about 3 million gallons of toxic wastewater was accidentally released Aug. 5 from the Gold King Mine north of Silverton, Colo., into the Animas and San Juan rivers.

On Monday, farmers voted 64-1 to have Shiprock Chapter President Duane "Chili" Yazzie write a memorandum to the Bureau of Indian Affairs asking it to deliver water containers and provide clean water for irrigation purposes.

The move comes after Shiprock Chapter's farm board member, Joe Ben Jr., complained about the

condition of about 11 tanks that were delivered to the chapter by a contractor hired by the U.S. Environmental Protection Agency.

Ben alleges the tanks are not suitable to deliver water to farmers because he noticed water inside the tanks was brown and had a noticeable film and odor. A flier notifying residents of a meeting at the Shiprock Chapter house on Monday announced that participants would "address unclean fracking barrels."

Ben said he notified the EPA about the tanks and asked for certification that the tanks were in good condition to haul water. He said Monday that no one had responded to his requests.

During the emergency farmers meeting at the chapter house, Ben explained the situation to farmers and residents.

Sitting on a table were five plastic containers holding water samples — varying in color from yellow to brown — that Ben said were collected from the tanks.

Shiprock Incident Commander David Nez explained in Navajo that it would take a week to remove and thoroughly clean the tanks, followed by another week to return them to Shiprock.

After hearing Nez's explanation, some farmers stressed the need to water their crops as soon as possible.

Shiprock resident Bertha Etsitty said her son has been hauling water for his crops for the last four days.

"It doesn't make it all the way down the crops," Etsitty said, of water poured into irrigation ditches.

Etsitty mentioned she is also growing squash and said the vegetables were healthy looking 12 days ago.

"It hurts," she said about seeing her squash wilting.

Another Shiprock resident, Barbara King-Wilson, said it is important for the farmers to stand together and tell the EPA to supply a filtering system for the water.

San Juan County Executive Officer Kim Carpenter clarified Monday evening that when he lifted the ban on using the river, that only applied on the stretch of the Animas and San Juan rivers from the New Mexico-Colorado border to the lower valley area in Kirtland. He said officials with the EPA's Region 9 are still conducting tests on water that flows downstream from there.

Carpenter spoke about the Gold Kine Mine spill at a public meeting at the Farmington Civic Center that was attended by about 40 people.

An EPA official at the meeting presented river testing data showing that spikes in heavy metal concentrations occurring as the plume passed through the area were still well below screening levels for recreational use. Those levels are the first sign that officials should take a closer look at what is occurring and are set well below levels that would produce an immediate health threat, said David Charters with the EPA's national and international environmental response team.

After the plume passed through, levels of arsenic, lead, mercury, cadmium, zinc and copper in the river water and in the sediment deposited by the plume were either extremely low or couldn't be detected by the tests, Charters said.

Shiprock Chapter President Duane "Chili" Yazzie speaks on Monday during an emergency farmers meeting at the Shiprock Chapter house about San Juan River water. (Alexa Rogals — The Daily Times)

"We'll continue to deal with this as time progresses," Carpenter said. He said officials will

continue to sample and test the water and sediment and work together on "how to prevent this in the future."

Sgt. Matthew Anthony, with New Mexico Game and Fish, said the department has nearly finalized a plan for long-term monitoring of potential impacts on wildlife that will look at birth rates, long-term absorption of heavy metals and other variables.

Farmington City Manager Rob Mayes said the results of tests conducted by the city of Farmington on Monday will be available on Thursday. If those test results are consistent with results from EPA and the New Mexico Environment Department, the city will resume piping Animas River water to its treatment plant, he said. He said it likely would be about a week before the city starts using Farmers Ditch to supply the plant.

Mayes said the city plans to install two sensors — one for acid mine waste and another for hydrocarbons produced by the oil and gas industry — that will automatically shut down the plant intakes when something is detected in the river.

The city of Aztec may start pumping water from the Animas on Wednesday, City Manager Josh Ray said Monday in an interview. The city lifted its restrictions on residential water use after San Juan County officials opened access to the river on Saturday night.

City officials have stressed that water supplied by Farmington and Aztec municipal systems is safe to drink.

Other emergency relief and testing operations were beginning to wind down in the county nearly two weeks after the spill, said Michele Truby-Tillen, spokeswoman for the San Juan County Office of Emergency Management.

Potable and non-potable water stations in the county are closing, as is the well water testing station at the San Juan County Sheriff's Office Lee Acres substation, the city of Aztec RV fill station and bottled water distribution at the Aztec Church of Christ.

A water fair with free water testing for private wells in Farmington and San Juan County is scheduled from noon to 5:30 p.m. Aug. 24 and 9 a.m. to 5 p.m. Aug. 25 at the Sycamore Park Community Center, 1051 Sycamore St., Farmington.

Reporter Joshua Kellogg and Editor Chris Roberts contributed to this report.

Noel Lyn Smith covers the Navajo Nation for The Daily Times. She can be reached at 505-564-4636 and nsmith@daily-times.com. Follow her @nsmithdt on Twitter.

**Denver Post**

http://www.denverpost.com/news/ci_28662074/epa-inspector-general-review-colorado-mine-disaster

**EPA inspector general to review Colorado mine disaster**

OIG's investigations, audits and program evaluation divisions collaborating in review

By Staff and Wire Reports

The Denver Post

POSTED: 08/18/2015 04:27:27 PM MDT

The internal watchdog at the Environmental Protection Agency is launching a combined investigation among its three divisions into the cause of a spill from a Colorado gold mine that unleashed 3 million gallons of contaminated wastewater into rivers that supply water to at least three states.

Officials with the EPA's office of inspector general said the review also will focus on the agency's response to the Aug. 5 spill from the defunct Gold King Mine near Silverton.

Jennifer Kaplan, a spokeswoman for the IG office, said the watchdog's investigations, audits and program evaluation divisions would take the rare step of collaborating on the review.

"That's unusual," she said.

But the intent is to enable a faster response to potential findings, as well as tap the expertise of each division.

"There is urgency here, for sure," Kaplan said.

EPA and contract workers accidentally unleashed 3 million gallons of contaminated wastewater as they inspected the idled mine.

The spill released heavy metals such as arsenic, cadmium and lead into a tributary of the Animas River, turning the river sickly orange and raising concerns about long-term environmental damage.

The spill affected rivers that supply water for drinking, recreation and irrigation in Colorado, New Mexico and Utah as well as the Navajo Nation.

The review by the EPA inspector general is being done in response to a request from Colorado congressman Ken Buck and two other members of the U.S. House Committee on Oversight and

Government Reform.

"An independent OIG investigation is completely necessary, given that it took the EPA nearly 24 hours to even notify the public and local authorities about this disastrous spill," Buck said in a statement.

Lawmakers from both parties have criticized the EPA's response as slow and overly cautious. Leaders of oversight committees in the House and Senate say they are planning hearings after Congress returns from its August recess.

"Among the most basic and simple questions that Coloradans want answered after the Gold King Mine spill are, 'What is in the water?' and 'Is it safe?' " Sen. Michael Bennet, D-Colo., said last week.

Bennet plans to join with Sen. Cory Gardner, R-Colo., in asking the EPA inspector to follow up on several issues, including "the EPA's legal obligations to report a hazardous materials spill," according to Bennet's office.

EPA Administrator Gina McCarthy has said her agency takes full responsibility for the accident and expressed deep sorrow for the environmental harm caused to the Animas and San Juan rivers.

Last week in Colorado, McCarthy said her agency will conduct internal reviews and hire an outside agency to conduct an independent review.

"No agency could be more upset about the incident happening, more dedicated about doing our job and getting this right," McCarthy said.

Staff writer Mark K. Matthews contributed to this report.

**Denver Post**

http://blogs.denverpost.com/thespot/2015/08/18/republican-ben-carson-makes-animas-river-spill-epa-2016-campaign/122628/

**In visit, Ben Carson makes Animas River spill a 2016 campaign topic**

By John Frank The Denver Post John Frank

8/18/15, 4:05 pm

Republican presidential candidate Ben Carson visited Durango on Tuesday and used the Gold King mine spill into the Animas River to draw attention to his plan to revamp the U.S. Environmental Protection Agency.

The move made Carson the first 2016 candidate to highlight the environmental disaster, though the former neurosurgeon is far from the first politico to see political implications in a 3-million gallon deluge of wastewater caused by an EPA-led crew.

"One wonders, if this accident had occurred at the hands of a private business, or even an individual property owner, would the EPA be as forgiving as they have been of themselves? I think not," Carson said in a statement after the visit.

Carson, who is seeing a boost following the first GOP debate, toured the mine area by helicopter and met with local officials. His calendar also included a town hall at Rotary Park.

The candidate called on the EPA to perform a transparent investigation of the spill and provide "full compensation and reparations" to those affected.

He proposed the EPA pay the money from fines it collected from private companies who violate environmental rules, not tax dollars. "The EPA must face the same consequences and same accountability as they require of each of us," he said.

The focus is part of his effort to overhaul the EPA, for which he plans a new mission statement that downplays fines and penalties, allows for laws that protect business from "unnecessary liability" and incorporates a cost-benefit analysis in its regulatory decisions.

"We all want a better environment," he said in the statement. "We all want to protect the environment for generations to come. We all want more common sense in the administration of our environmental laws and policies."

Denver-based ProgressNow Colorado, a liberal advocacy organization, criticized Carson for politicizing the spill.

"Ben Carson is just the latest and most obvious example of the right wing shamelessly politicizing the Animas River mine water spill," said Amy Runyon-Harms, the organization's executive director in a statement. "Carson's campaign trip to Durango is a distraction that the people working to clean up the Animas River spill, and to prevent future mine waste disasters, do not need. Carson is in Durango to grandstand and misrepresent the EPA's work cleaning up not just Silverton's polluting mines, but environmental disasters across the nation caused by irresponsible private industry."

ProgressNow came under fire in recent days for statements that some perceived as an effort to downplay the EPA's role in the spill and deflect blame from the Obama administration.

**Denver Post**

http://www.denverpost.com/news/ci_28656860/navajo-farmers-suffer-after-colorado-mine-fouls-

southwest

**Navajo farmers suffer after Colorado mine fouls southwest rivers**

Navajo farmers and officials feel the EPA should be doing more to help them

By Jesse Paul

The Denver Post

POSTED: 08/18/2015 12:01:00 AM MDT

After more than a week without irrigating his field with the San Juan or using its waters to keep his horses hydrated, Etcitty, his long black hair waving in the evening breeze, pondered the river's meaning and was overcome.

"It's everything for us," he said. "It's a part of our life, they say. It's our livelihood."

In the Navajo Nation, where the San Juan runs 215 miles before emptying into Lake Powell in Utah, the 3 million-gallon Gold King Mine spill has put officials on alert for what they fear will be economic disaster. This mainly agricultural-based culture, where bartering is still widespread and a cow can be used as a car down payment, crops are drying up under an unrelenting sun.

Fearing the effects of contamination from the wastewater that was spilled from the mine, tribal officials have warned their people against using the San Juan's waters for irrigation or to feed their livestock. It wasn't clear Monday when the advisement would be lifted.

Farmers, however, say even after bone-dry irrigation ditches are running again, worries will persist — possibly for decades. The cost of the EPA-caused spill on Aug. 5 remains unclear, the tribe says, but they are seeing impacts across the 27,600-square-mile reservation.

"There's a huge loss of revenue for our people," said Russell Bengaye, president of the Navajo Nation.

For a tribe of roughly 300,000 that officials say has an unemployment rate of about 50 percent and an average income of $12,000, the calamity is pushing people toward the brink.

"There's no jobs," Simpson Bekis said Saturday as he sold Colorado peaches at a flea market. "They are few and far between. The younger generation is not interested in farming."

The EPA is providing the tribe with 100,000 gallons of water for agricultural uses each day that is quickly being drained by a line of farmers in need. Federal responders have delivered hay to chapter houses, and dozens of bales were snatched up in about 12 hours from one location in the townsite of Cudei between Friday evening and Saturday morning.

Tribal officials have complained federal aid did not come fast enough and say they're concerned whether the EPA is really going to pick up the mounting tab to care for Navajo fields and livestock. Farmers using the emergency water say they need more help.

"I'm going to lose about 6.5 acres of crops," said Robert Lapahie, who works for the Bureau of Indian Affairs, as he oversaw a water distribution site in Shiprock.

"We've been busy all day," he said as the procession unfolded before him.

Farmers in the Shiprock area who rely on the San Juan to irrigate their crops already were battling through perennial drought when the contamination crisis streamed into their communities.

Rosie Frank, a Navajo community leader who usually hauls water more than a mile from the San Juan for her sheep, said she isn't sure how she is going to pay for a spike in her water bill. She said she isn't eligible for the EPA-provided water because of how far she lives from the San Juan.

Shirley Dodge, peddling squash and corn from the back of her car Saturday at the Bengaye Flea Market, said that although the food they grow serves as supplemental income, losing any of that money would hurt.

"In the back of my mind it's to feed my people," she said. "Fresh, organic."

Many fear that even when the San Juan is reopened to agricultural uses, consumers won't want to buy meat and produce from farms that irrigate with its waters.

"They're going to think about us (as) poison people," Carol Etcitty-Roger, president of the Gadii'ahi/To'koi tribal chapter, said during a break from overseeing the distribution of emergency materials.

The Navajo Nation's vice president, Jonathan Nez, said he wasn't sure if he would even eat meat raised along the San Juan.

"What's going to happen when people find out that the cattle they're being sold is from this region?" he asked. "It could really devastate ranchers here. "

In the meantime, Navajo farmers along the San Juan are just hoping they can water their fields again some time soon and salvage what is left of the season.

Timothy Coleman, whose expansive farmland along the river has been in his family for years,

said he is trying to figure out how he will cope. Standing above a dry irrigation ditch on his property, he put his hands in his pockets, looked out at the thirsty alfalfa before him and shrugged.

"I guess I'll do something else," he said.

**Denver Post**

http://www.denverpost.com/news/ci_28661945/long-term-impacts-animas-river-spill-lie-beneath

**Animas River: Long-term impacts of wastewater spill lie beneath the current**

By Kevin Simpson

The Denver Post

POSTED: 08/18/2015 03:53:12 PM

State and federal officials have offered assurances that the river is returning to "pre-event conditions," but uncertainty remains over the residue that still lurks beneath the surface flow.

Those remaining metals on the river bottom still could affect aquatic life, agriculture and other aspects of life along the water in ways that are difficult to predict.

"The long-term effects are the concern that every time we have some sort of a high-water event, whether a good rain in the mountains or spring runoff next year, that's going to stir up sediments and remobilize those contaminants that are sitting at the bottom of the river right now," said Ty Churchwell, Colorado backcountry coordinator for Trout Unlimited.

Added Dan Olson, executive director of the environmental group San Juan Citizens Alliance: "People on the ground understand that what we don't know is what we're worried about. And that's the sediment issue."

Peter Butler, co-coordinator with the Animas River Stakeholders Group, a diverse collection of entities that for 21 years has addressed metal loading in the Upper Animas Basin, remains optimistic that the worst has passed.

If sediment stirs again, he said, it will be more diluted.

"Where that ends up, whether concentrations would be higher or not, I don't know," he added. "I'm hopeful there won't be a lot of long-term impacts, particularly because the short-term impacts weren't that great."

Three million gallons inadvertently released from the Gold King Mine into Cement Creek above Silverton during an Environmental Protection Agency excavation gushed into the Animas and turned the river a shocking shade of orange.

But even as the plume passed days later and Gov. John Hickenlooper made a show of drinking water taken directly from the river, experts and advocates alike noted that the lingering metals such as cadmium, arsenic, lead and zinc pose unknown future risks.

In addition, they stressed that the current disaster should be viewed in the context of the river's long history with mining and particularly more recent issues that severely damaged the Animas' fish population.

The natural reproduction of fish in the Animas has been hampered by heavy metals and sedimentation for years. Since 2000, the river has seen an almost 80 percent decline in the fish biomass — the weight of all the trout collected in a certain area, said Jim White, an aquatic

biologist for Colorado Parks and Wildlife.

The river basically doesn't have naturally reproducing trout.

To offset the lack of reproduction, the state, along with the U.S. Bureau of Reclamation, annually stocks the river with about 20,000 fingerling — months-old — rainbow trout, as well as about 2,500 of a "catchable" size of about 8-12 inches. The Southern Ute Indian tribe stocks about 80,000 more.

Focus on metals

Natural metals always have leaked into the Animas, although nobody knows what those levels were before mining in the area. But in the past 10 years, since a water treatment plant closed and other prescriptions failed, dissolved metals have increased, White added.

While heavy metals likely play a role in the deterioration of the fishery, so do naturally existing metals, drought, water temperature and sedimentation issues from various tributaries.

"I think it has to do with almost a more global water- quality issue," White said. "What we don't know is what the role of dissolved heavy metals plays with the health of the fish. That's something we hope to learn more about with the Animas River disaster."

Next week, state workers will make two passes, a day apart, and use electrical current to stun and mark fish to assess the river's population. Ten fish were delivered to the state health department on Friday to test tissue for metals.

Earlier, the state exposed 108 rainbow trout fingerlings to the fouled river water. Only two died.

"That tells me we never got to any sort of acute level of toxicity in the river," White said. "Honestly, we were surprised they survived that first plume."

So was Trout Unlimited.

"Our first concern was: Six hours from now are there going to be thousands of dead fish floating on the Animas?" Churchwell said. "Thankfully, that didn't happen. But the long-term effect, we'll be monitoring it."

Effect on fish

Shawn Rummel, a field and research manager for Trout Unlimited, noted that with an event like a 3 million-gallon blowout, metals might be in high concentration for a short amount of time that minimizes the effect on the fish population.

"But it could be either the concentrations weren't high enough to kill off the fish, or the exposure time wasn't high enough to kill off the fish," he said. "There's an interplay there that's hard to nail down."

Rummel echoed concerns about sedimentation that could affect the fish population directly as well as its food source — stream macroinvertebrates such as mayflies, stoneflies and caddisflies — as sediment coats the loose gravels on the river bed.

"With the initial plume, maybe there wasn't as big of a die-off, but long term it may become more of a habitat availability issue and also a spawning habitat issue," he said. "Those are pretty common concerns with abandoned mine drainage."

Long-term effects on agriculture hinge on the same issue of what lies beneath the Animas flow, said Perry Cabot, water resources specialist with the Colorado State University extension office.

While the testing focuses on suspended particles, it's the so-called bedload sediment that could become the source of future problems, he explained. Particulates sink in places where the flow slows — such as around irrigation gates — and that residue could accumulate any number of metals.

Those of greatest concern to agriculture are arsenic, cadmium, lead and mercury, Cabot added. Other metals, such as copper and zinc, are micronutrients that can be processed by plants, although not in massive quantities.

It's a question of degrees of toxicity posed by the accumulation of the metals. And some plants handle that accumulation better than others — grasses tend to tolerate it better than beans, for instance.

So Cabot is recommending to area farmers that they take advantage of local labs to process their own samples. That data could help them establish the safety of their products to buyers and avoid the kind of guilt-by-association that plagued innocent melon growers in the Arkansas Valley during the listeria outbreak in 2011.

"Because perception is everything," Cabot said. "If there's even a hint that maybe (toxicity) is there, if I'm a producer, I want to make sure I can definitively say I've had my water tested, and I'm not applying anything that has these four dangerous metals."

In addition, CSU offers an online water quality interpretation tool.

Cabot said that the agricultural impacts could have been far worse but for an unusually wet spring.

"The 'Miracle May' has brought a fair amount of good dryland crops that look fairly good," he said. "We have fields we haven't irrigated since May, and they've survived almost entirely on natural moisture."

Superfund or not?

River outfitter Bill Dvorak, who holds the first outfitting permit issued in Colorado, said the long view of the debacle on the Animas could be framed through the evolution of the Arkansas River, once beset by mining residue around Leadville.

Years after the area's designation as a Superfund site, the cleanup helped give rise to many miles of state-designated Gold Medal fishing waters on the Arkansas as well as a thriving river rafting industry.

Short-term, Dvorak said the efforts to address heavy metals and acidity have had a good impact that will return activities like rafting to normal. The Animas was reopened to recreation Friday.

But the longer-term solutions lie beyond holding ponds and other measures taken by authorities to mitigate the current problems, he said.

"My hope is that people realize this needs to be identified as a Superfund site so they can begin to clean it up," said Dvorak, who also works with sportsmen's groups for the National Wildlife Federation. "The immediate impact I don't think is going to be great. But the long-range deal is we need to do something about all the mining activity in the West and clean it up and make sure these things don't happen in the future."

But calls for steps like Superfund designation would encounter significant political opposition. And measures like a so-called good Samaritan law, which would allow various entities to participate in cleanups without risking liability, also face hurdles.

"The truth is, it's so complex and there are any number of players and legal issues," said Trout Unlimited's Churchwell. "It's not as simple as one mine popped its head and blew its water. If you walk away with one underlying theme here, it's that this is not an isolated incident. There are ticking time bombs all over the western U.S."

**Denver Post**

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http://www.denverpost.com/news/ci_28656384/colorado-mine-spill-now-threatens-navajo-nations-spiritual

**Colorado mine spill now threatens Navajo Nation's spiritual culture**

By Jesse Paul

POSTED: 08/17/2015 06:39:16 PM MDT

New Mexico, Utah drop water restrictions after Colorado mine spill

SHIPROCK, N.M. — The Colorado mine spill that contaminated the San Juan River has done more than hurt Navajo Nation farmers and ranchers. It threatens the tribe's native way of life.

Dying crops have gone without irrigation for more than a week after tribal officials barred use of the San Juan in fears of contamination. That means a decrease in the yield of corn seeds and pollen — the spiritual base of the Navajo tribal culture.

"The corn is our sacred plant," said Franklin Miller, who is helping organize the tribe's response to the Environmental Protection Agency-caused Gold King Mine spill on Aug. 5 near Silverton.

People here say these natural products have become even more precious, sought out and increasingly difficult to find in the upstream disaster's wake. The tribe fears the impacts of the spill could last for decades, meaning uncertainty for the corn yield and, further, their religion.

The Navajo use corn seeds in everyday prayer but also for a wide variety of ceremonies, including, possibly most importantly, puberty rituals for girls. Traditional tribal dishes, including kneel-down bread, blue corn mush and dried steamed corn, all use the seeds as well.

The tribe has been working hard in recent years to keep its culture and language alive in the face of a changing socio-economic landscape that has drawn many off the reservation. The older generation, which still speaks the Navajo language in everyday conversation and embraces their romantic, ancient way of life, fears the Gold King disaster could mean further departures from the past.

Many farmers in the Navajo's agricultural-based communities had already been struggling amid years of drought and the difficulties and costs of modern farming. There are now fears the river disaster could accelerate those problems.

"It's mostly affecting the elders," said Alphriam Jones, an emergency response volunteer. "They are the most upset."

For many Navajo, the river signifies life.

"The river is part of the bigger scheme of things," said Lenora Tsosie, a community worker.

Roy Etcitty, standing on the banks of the San Juan, said tribesmen once sprinted from sweat lodges along the river's banks into its cool flow to wash off in catharsis.

Now, he says, he's not sure if he would put his lips to the current for fears of what's inside. Even after officials reopen the San Juan, Etcitty says, he will fear the contaminants he can't see.

"All the water that comes from the mountains is precious to us," he explained. "Without the river, I don't know what we would be."

**Deseret News (UT)**

http://www.deseretnews.com/article/865634855/Utah-Attorney-General-Sean-Reyes-to-tour-Colorado-mine-as-legal-action-remains-on-the-table.html?pg=all

# Utah Attorney General Sean Reyes to tour Colorado mine as legal action remains on the table

By Dennis Romboy, Deseret News

Published: Tuesday, Aug. 18 2015 6:20 p.m. MDT

SALT LAKE CITY — Attorney General Sean Reyes will get a firsthand look Wednesday at the Colorado mine site that spewed millions of gallons of toxic water into southeastern Utah.

Reyes expects to start gathering evidence that could lead to legal action, though he said he wants to give the Environmental Protection Agency a chance to make good on its word to pay for any damage from the spill.

But Sen. Margaret Dayton, R-Orem, co-chairwoman of the State Water Development Commission, said she's uncomfortable with that.

"The more time we give them, the more damage is done," Dayton said during a commission meeting Tuesday. The commission includes legislators, county leaders, water district supervisors, and environmental and agricultural interests.

Reyes said he doesn't believe it shows weakness on Utah's part to take time to assess how the agency intends hold itself accountable for the disaster as EPA Administrator Gina McCarthy promised.

"I would like to see what that proposal is," he said, adding that if the agency doesn't live up to its commitment, the state would consider legal remedies.

EPA and contract workers accidentally unleashed 3 million gallons of contaminated wastewater into the Animas River on Aug. 5 as they inspected the idle Gold King Mine near Silverton, Colorado. The spill released heavy metals including arsenic, cadmium, lead and mercury downstream in Colorado, New Mexico, Utah and the Navajo Nation, raising concerns about long-term environmental damage.

Colorado Attorney General Cynthia Coffman will join Reyes on the mine tour.

Reyes listed several areas where Utah could be compensated for damages, including emergency response, water testing, restoration of natural resources, and lost revenue and taxes.

Heavy metals in the water could also affect crops, wildlife and even people in the future, he said.

"All these questions we don't have answers for yet," Reyes said. "That will probably be the back-and-forth with the agency in terms from trying to fix a cost for reimbursement to the state."

Alan Matheson, Utah Department of Environmental Quality executive director, said taking water samples four times a day in four locations along the San Juan River has been very expensive and not part of the budget.

And it will continue to cost money as the state monitors water quality over time to ensure Utahns are safe.

"This event has been tremendously disturbing," Matheson said.

Dayton asked Reyes, who met with his counterparts from Colorado and New Mexico in Durango, Colorado, last week, if he was able to find out whether the spill was "an accident on purpose" to qualify for federal cleanup money, or if "this really was an accident accident."

Reyes said in talking to some of the locals there was "some suspicion that the spill was not purely inadvertent. But I don't have anything more to report on that."

Rep. Mike Noel, R-Kanab, also questioned whether the spill was intentional, noting the EPA downplayed the severity and didn't notify the states for a couple of days. Noel represents San Juan and Kane counties, the two areas in Utah impacted by the contamination.

An outside entity needs to investigate why and how the spill happened, he said.

"Is this a criminal act? Is it a negligence act? Is it a gross negligence act?" Noel said. "Yes, yes, yes, is what I'm hearing."

The EPA announced Tuesday that the U.S. Department of the Interior will assess the factors that led to the incident and issue a report within 60 days.

**Durango Herald**

http://www.durangoherald.com/article/20150818/NEWS01/150819645&source=RSS

**Dr. Ben Carson draws a big crowd in Durango**

GOP presidential hopeful asks: What's the long-term impact?

By Chase Olivarius-Mcallister Herald staff writer

Article Last Updated: Tuesday, August 18, 2015 11:25pm

On Tuesday, GOP presidential contender Dr. Ben Carson made a lightning trip to Durango to decry the Environmental Protection Agency before a crowd of thousands at Rotary Park overlooking the maligned Animas River.

When it came to the EPA, Dr. Carson, a pediatric neurosurgeon who has been surging in national polls since his breakout performance at the GOP debates, didn't pull any punches, insisting the EPA should be held accountable for its role in the Gold King Mine spill, a position which earned him wild cheers.

"I took a helicopter ride to the Gold King mining site this morning and witnessed firsthand" the discoloration and "looked at the environmental impact caused by the EPA," he said.

An EPA contractor doing research at Gold King Mine in Silverton triggered the spill Aug. 5, sending more than 3 million gallons of metal-laden mining sludge cascading through Durango and across three states and led multiple counties to declare states of disaster.

Since 1994, Silverton has fought the EPA's attempts to list the area's draining mines, which have polluted the Animas River for more than a century, under the Superfund program.

Though scientists with the EPA and the Colorado Department of Public Health and Environment now say that metal concentrations in the Animas River have returned to pre-disaster levels, Carson said the larger issue of resulting environmental damage to the Animas is far from resolved.

"What's the long-term impact as metals seep into the ground ... and animals ingest them?" he said.

He told reporters after the speech that unlike Gov. John Hickenlooper, who drank a glass of Animas River water to illustrate that the river should be reopened for recreational activities, under no circumstances would he sip from the Animas around Durango.

"I certainly wouldn't tell anyone to drink it. We don't understand the long-term environmental impacts," he said.

He accused the EPA of hiding behind governmental immunity, saying if an oil company had made a similar mistake, he doubted the EPA would "be so understanding."

Carson described the EPA as dominated by "a bunch of bureaucrats who don't know a bunch of anything" and who try to "control people's lives" and promised under his administration, Americans would see "a different kind of EPA."

"Under my administration, you wouldn't have to sue the EPA, because I would get rid of all the old people and bring in people who understand the Constitution."

In an interview after the event, he seemed to walk back his comments about firing each of the 17,000 people who now work for the EPA across the country.

"Not everyone," he clarified. "But people who don't understand the purpose of the EPA, which is not to make businesses miserable. I think they should be working along with industry, not as adversaries but as allies."

Carson said he opposed Superfund status for Silverton as it might hurt the town's reputation. Pursuing Superfund status should be up to the town's residents, he said.

Also, Carson said if he were president, marijuana would be illegal across the country including Colorado. As a neuroscientist, he said, he knows too well the "deleterious affects on the developing brain" and objects to legalizing a substance that sabotages Americans' intellectual potential.

Throughout his speech, Carson repeatedly decried the influence of "secular progressives" on the national debate, which he characterized as nefarious, and cast himself as the opponent of all things politically correct.

At other points in his speech, Carson variously denied ever experimenting on fetal tissue, defined gay marriage as an issue for the states, challenged modern-day society's penchant for "changing everything" given America's historical greatness as a country, and declared America to be Judeo-Christian nation.

At 2,000-strong, the audience that Carson drew early Tuesday afternoon in Durango with only a day's notice was nearly four times the size of the crowd that showed up to the EPA's amply publicized public meeting on a Sunday night in the immediate, emotionally charged aftermath of the Gold King Mine disaster.

Carson's speech earned rave reviews from Durangoans.

Durango's Melissa Miller, 55, said, "He gives me hope in America."

Fort Lewis College student and track coach Jacob Hetrick, 23, said he appreciated Carson speaking "from a nonpolitical point of view."

Though John Ogorzalek, 56, who owns a mini-storage facility in Durango, said he hadn't yet decided whether to vote for Carson, he found Carson "intelligent and well-spoken."

Durango's Rich Spraker said he didn't agree with Carson saying "he'd get rid of the EPA." He added, "I don't really blame the EPA" for Gold King. But after flirting with Donald Trump, John Kasich, and Scott Walker, Spraker said after hearing Carson speak, he was sold: "I was thoroughly impressed with him. This guy is only going higher, not lower."

**Durango Herald**

http://www.durangoherald.com/article/20150818/NEWS01/150819618/Interior-Department-to-investigate-mine-accident-

**Interior Department to investigate Gold King Mine accident**

Tuesday, August 18, 2015 11:24pm

The Environmental Protection Agency announced Tuesday that the Department of Interior will do an independent review of the Gold King Mine blowout.

According to a news release, the Interior Department will work to assess what caused the release of three million gallons of metals-contaminated wastewater Aug. 5 from the mine near Silverton. The wastewater spilled into Cement Creek, which is a tributary to the Animas River. The sludge polluted the Animas for several days as it moved downstream to its confluence with the San Juan River.

The EPA, using a contractor, was working on the abandoned mine when it hit an earthen wall that had water and debris built up behind it. The rush of contaminants caused the Animas River to be closed for eight days and affected thousands of users in several communities in Southwest Colorado, northern New Mexico and southeastern Utah.

The investigation began Tuesday. The news release also said details of the review by the Interior

Department will be released as they become available, with full results anticipated to be made available to both the EPA and the public within 60 days.

"In addition to the independent review, EPA is conducting its own internal technical examination of the incident. Both reviews will help inform ongoing and planned site assessments, investigations and construction or removal projects," the release said.

In other news about the Gold King Mine, the Silverton San Juan Incident Management Team announced Tuesday that it is repairing road damage in the area where the wastewater was released.

"Natural, earthen materials may enter Cement Creek, causing some discoloration," the team said in a news release. "This discoloration is not from mine waste. Care is being taken to reduce the amount of material that may enter the waters of Cement Creek. These repairs are needed so that road traffic can safely reach the mines located above the damage."

The release also said San Juan County has been receiving daily rain from the monsoonal weather patterns typical of this time of year. The higher flows may stir up sediment, but stream flows are normal.

**Durango Herald**

http://www.durangoherald.com/article/20150818/NEWS01/150819612/0/NEWS01/Celebrating-the-Animas-

**Celebrating the Animas River**

River parade signals return of business, optimism

By Jonathan Romeo

Last Updated: Tuesday, August 18, 2015 11:24pm

4Corners Riversports owner Andy Corra stood along the banks of the Animas River, almost two weeks after a toxic mining spill critically contaminated its waters, and announced to more than 100 river enthusiasts: "Durango is back."

To prove the Animas River is open and ready for business, Corra and other local river-rafting companies Tuesday organized a show of support at the 32nd Street put-in. Corra said although the incident was devastating to the community, he hoped the events of the past month would at least create political pressure that would initiate real change and cleanup on the river.

Just before 5:30 p.m., a large gathering of kayakers, boaters, rafters and inner-tubers prepared to float down the Animas, many for the first time since the spill.

Durango resident Sam Glaser, along with his two daughters, showed some reservations before casting off.

"It's the sort of choice we have to make," he said. "It makes me a little nervous ... but we're exposed to all kinds of stuff elsewhere. I figure an hour-and-a-half on the river is probably worth the risk."

Rafting companies rebounding

Earlier Tuesday, businesses affected by the river's eight-day closure said the river celebration is part of moving forward.

"It's important to come together as a community and be there while the river heals," Jadea Braddy, office manager at Mild to Wild Rafting and Jeep Trails, said. "It's also really important to show the world the river isn't out there with a bunch of sludge and orange waste."

Levels of contamination have been deemed "below what would be a concern for human health" by state and federal health officials, and recreational businesses are eager to rehabilitate the public perception of the river that dominated news headlines across the country after an estimated 3 million gallons of mining wastewater spilled from the Gold King Mine outside Silverton on Aug. 5.

For most outdoor adventure companies that rely on summer tourism, June and July are generally catch-up months from the slow spring season, while the income accrued in August is considered financially crucial for the business' overall revenue.

Braddy said the eight days the Animas River was closed took a "big economic toll" on the rafting and jeep tour company, and she hopes the Environmental Protection Agency, which is responsible for the spill, will reimburse lost incomes. Rafting companies have yet to quantify how loss of revenue and uncertainty about long-term environmental impacts will effect their businesses, but they said tourism is slowly rebounding.

"There has definitely been an increase in calls," Braddy said. "We're taking people back on the river, and we're excited to be out there."

On Tuesday evening, river enthusiasts were just happy to lazily float down through the heart of Durango or follow the procession along the river trail. The overwhelming majority of the crowd was not worried about contaminated waters, instead cheering the fact the river is open for use.

"I think it's important to remember there's mines all over the region that have been leaking for a really long time," Luis Benitez, who serves as the outdoor recreation industry director for the Colorado Office of Economic Development and International Trade, said. "I believe in the state health officials and the EPA. I don't think they'd put anyone in harm's way."

Skepticism lingers

But not everyone is convinced the river is safe for recreational activity. A few people at the 32nd Street put-in said it's not so easy to turn a blind eye to the orange sediment that contains heavy metals or that an estimated 864,000 gallons of wastewater continues to leak into the Animas River each day.

Resident Amanda Champany, who said she used to swim in the river before the spill, decided she needed a little more time before getting back into water.

"There's still sludge," she said. "I know there are heavy metals, and some can penetrate the skin. They talk a lot about the water quality, but not about the sludge."

However, river guides are adamant health officials would not have opened the Animas for use if the water posed a serious toxic risk to humans, reminding participants to wash with soap if they come into contact with orange sediment or discolored standing water.

Troy McLoed, who has owned Southwest Jeep and Raft for two years, takes a more cautious tone. He was unable to attend Tuesday's event because nearly all of his dozen or so employees quit, deciding to find new work or travel before the start of school.

However, he told The Durango Herald earlier in the day he is worried the spill will have a negative effect on tourism in the long run, similar to the 2002 Missionary Ridge Fire that burned about 73,000 acres of forest land.

"Now that the river's turned back on, it's not like the phone automatically starts ringing again," he said. "(And) people may decide not to come next year because they're still worried about the water."

**Durango Herald**

http://www.durangoherald.com/article/20150818/NEWS01/150819615&source=RSS

# Tipton letter to EPA demands answers about Gold King Mine spill

Congressional group pressures agency

By Jonathan Romeo

Herald Staff Writer Article Last Updated: Tuesday, August 18, 2015 11:24pm

U.S. Rep. Scott Tipton, R-Cortez, and 29 of his congressional colleagues sent a second letter to the Environmental Protection Agency on Tuesday, demanding answers about the Gold King Mine spill. The letter presses EPA officials to better explain the circumstances of the Aug. 5 event that sent an estimated three million gallons of contaminated wastewater down the Animas River.

Since the orange sludge passed through Durango earlier this month, turning the river into a contamination zone, Tipton has been a vocal critic of the EPA, the agency responsible for causing the spill. Last week, he sent a letter to the EPA calling administrator Gina McCarthy to disclose plans for the cleanup of the contamination, and Monday, Tipton pledged to launch a congressional investigation into the agency's handling of the spill.

In his most recent letter, Tipton focused his questions on what led to the wastewater blowout, and the EPA's "unsatisfactory" response in the wake of the spill.

"We remain completely unsatisfied with the delay in notifying the impacted communities and

elected officials responsible for preparing and responding to a disaster such as this one," he wrote.

Tipton asked why EPA officials took more than 24 hours to alert local agencies that a breach at the abandoned mine occurred and what steps the EPA plans to take in the future to avoid a similar delay.

He also demanded a timeline of the work on the mine to see any video or images of the incident if available and how much the EPA had planned to spend on the project that would have improved conditions at the Gold King Mine.

The EPA hired contractors for a restoration program that would have updated infrastructure in the aging mine. The EPA said those hired employees were working to reduce wastewater leakage when the structure holding back the toxic flow collapsed.

Tipton's letter dug for information on the contracted company, asking if the firm would be held responsible for "damages sustained by individuals or communities based on the work they were performing." He also asked at what frequency the EPA would continue to test the river and future plans for monitoring next spring when water levels are at its highest.

**Fox 31 Denver News**

http://kdvr.com/2015/08/18/durango-to-celebrate-reopening-of-animas-river/

**Durango to celebrate reopening of Animas River**

POSTED 6:01 AM, AUGUST 18, 2015

BY JIM HOOLEY

DURANGO, Colo. — People in Durango will celebrate the reopening of the Animas River on Tuesday. And residents will also get to ask the Environmental Protection Agency some very important questions about the river's recovery and its future.

The organizers of the celebration are planning a river parade Tuesday afternoon. They say they feel a sense of relief now that the river is open and they want to put the entire event behind them.

They're calling on boaters, tubers and bikers to turn out to mark the reopening. Every type of river craft is invited and marchers will parade along the river trail.

The celebration comes almost two weeks after the spill of 3 million gallons of contaminated mine water turned the river a nasty yellow and filled it with heavy metals.

The EPA is opening a local recover center as well. People can get information there about their health and safety, and possible financial assistance from any economic losses from the spill.

Also Tuesday, Republican presidential candidate Ben Carson will hold a town hall meeting with residents. That is scheduled for 2 p.m. The parade is scheduled to begin at 5:30 p.m.

**The Hill**

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http://thehill.com/policy/energy-environment/251407-carson-slams-epa-over-colorado-mine-spill

**Carson slams EPA over Colorado mine spill**

By Devin Henry

08/18/15 05:45 PM EDT

Republican presidential candidate Ben Carson slammed the Environmental Protection Agency (EPA) on Tuesday for its handling of a toxic spill into Colorado's Animas River this month.

"The citizens, businesses and peoples relying on the vitality of the Animas River deserve complete, transparent and expeditious accountability on this matter from the EPA," Carson said in Durango, Colo. He said the EPA should pay for clean-up costs the same way it would levy fines against private-sector polluters.

"I suggest that these reparations be paid from fines collected by EPA, and not by additional tax dollars from the general fund," he said. "The EPA must face the same consequences and same accountability as they require of each of us."

A team of EPA contractors inadvertently spilled 3 million gallons of toxic sludge into the Animas River earlier this month while inspecting an abandoned gold mine.

Carson toured the river by helicopter on Tuesday and later told supporters that the agency should not get a free pass for the spill.

"One wonders, if this accident had occurred at the hands of a private business, or even an individual property owner, would the EPA be as forgiving as they have been of themselves?" he said. "I think not."

Carson proposed a "new missions statement" for the EPA, including a focus on not harming the environment, issuing "objective" fines and penalties for polluters, and working with businesses and industries to write environmental regulations.

"We all want a better environment," he said. "We all want to protect the environment for

generations to come. We all want more common sense in the administration of our environmental laws and policies."

Since the EPA's Aug. 5 spill, officials have worked to track water quality in the region, which has returned to pre-spill conditions. The agency ceased all future mine inspections until the cause of the spill is identified.

Administrator Gina McCarthy visited the site last week, apologized for the accident and called for internal and external investigations into it. The EPA's inspector general announced Monday that it had kicked off an inquiry.

The spill has drawn the ire of Republicans both at the Capitol and on the campaign trail.

Sen. Marco Rubio (R-Fla.), another presidential candidate, said last week that the spill illustrates the EPA's "incompetence." Front-runner Donald Trump said the incident proves the EPA should hand its duties over to state, not federal, regulators.

Lawmakers have promised to hold hearings on the matter when Congress returns this fall.

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**International Business Times**

http://www.ibtimes.com/colorado-mine-spill-2015-thousands-abandoned-mines-threaten-us-rivers-amid-slow-2057073

**Colorado Mine Spill 2015: Thousands Of Abandoned Mines Threaten US Rivers Amid Slow Cleanup Efforts**

By Maria Gallucci

August 18 2015 8:11 AM EDT

The western United States is pockmarked by hundreds of thousands of abandoned mines like the Gold King site in Colorado, which spewed yellow-tinted toxic sludge into the Animas River this month. The nation's early rush to dig gold and minerals, combined with decades of lax regulations, has left a massive, lingering mess that state and federal officials say they're still fighting to clean up.

The open sores on America's landscape are tainting the soil and groundwater supplies in the western states, destroying river and desert ecosystems and exposing millions of residents to arsenic, lead and other health-harming materials, environmental experts say. Yet agencies estimate it could take decades before these abandoned mines -- some more than a century old -- are safely shuttered. Until then, disasters like the Animas River spill, which dumped 3 million gallons of wastewater on Aug. 5, could strike again.

"The longer you wait to deal with the problem, the more you're going to have these failures and these spills occurring," said Ron Cohen, a civil and environmental engineering professor at the Colorado School of Mines in the city of Golden. "And they're going to happen more frequently as the years go by."

Roughly 500,000 abandoned hard-rock mines are scattered across the U.S., with most concentrated in the 12 western states, according to federal estimates. The numbers are rough, however. Officials are still tallying the actual number of inactive mines, which are often difficult for researchers to explore due to flooding, unstable ground or dangerous conditions. It's also possible to overestimate the number of abandoned mines; for instance, two surface openings that connect to the same underground tunnel system may be counted as two separate mines.

The U.S. Geological Survey is building a database that will identify abandoned mines, including specific features like shafts and open pits, but the information is not yet available for public access, geologist Peter Schweitzer said by email. The Bureau of Land Management, which oversees mines on public lands, has so far identified 48,100 abandoned sites within its jurisdiction. Around 80 percent of the sites still need further analysis or environmental cleanup efforts, according to the agency.

BLM Abandoned Mines

The Bureau of Land Management has counted 48,100 abandoned hard-rock mine sites on public lands, of which only 20 percent have been remediated or are in the process of being cleaned up. U.S. Bureau of Land Management

Abandoned mines can pose major threats to human health and the environment, although the scope of their risk depends heavily on the size, location and characteristics of each site. Dust containing arsenic, lead and radionuclides can blow from the mines and into surrounding communities. Heavy rains can wash away silt and debris from the mines, clogging waterways and flooding streets. And highly acidic water laced with metals can leak from sites for more than 100 years, polluting streams and contaminating fish habitats, harming people who drink the water or eat local fish.

Around 33,000 hard-rock mines have polluted local water sources or left behind piles of toxic "tailings," the waste material created by processing ore to separate out metals. Mining activity across the board has contaminated about 40 percent of the streams connecting to watersheds in the West, according to the U.S. Environmental Protection Agency.

For most of U.S. history, prospectors and mining companies seeking gold, silver, copper and lead simply abandoned their mines after extracting all the valuable minerals. In the early 20th century, state rules on closing mines or handling toxic tailing ponds were weak. Cohen said he spoke in the 1980s with miners who worked in Colorado around the time of World Wars I and II. "They told me the environmental disturbance was merely a byproduct, a side effect of helping develop the country," Cohen said.

Those attitudes started to shift in the 1970s, when the federal government began cracking down on rampant air and water pollution nationwide. In 1997, Congress adopted a series of policies to reclaim "abandoned mine lands" under the Surface Mining Control and Reclamation Act.

Undoing decades of widespread damage has proved an enormous task for the EPA, Bureau of

Land Management and other federal agencies responsible for addressing the inactive hard-rock mines. The federal government spent at least $2.6 billion from 1997 to 2008 to reclaim the sites, and agencies estimate they spent roughly $85 million more every year in this arena.

But in order to clean the mines, agencies must first find where they are and establish what risks they pose. The Bureau of Land Management still hasn't taken an inventory of an estimated 93,000 abandoned hard-rock mines spread across public lands in California, Nevada and Utah. Validating those sites could cost the agency $212 million and take 20 years to complete, assuming the work is carried out by 10 two-person crews, the agency said in a November 2014 report.

The threat of leaks and spills from these sites is a growing problem as more people move out West, boosting the population's overall exposure to contaminated water and polluted air. The Gold King Mine spill in Colorado was alarming not just for its size -- other spills in recent years have rivaled this one -- but for how close the brightly colored toxic sludge came to communities in Silverton and Durango and on the Navajo Nation reservation.

Cohen, the Colorado mine expert, said he hopes the alarm raised by this month's disaster will spur federal and state officials to accelerate their mine cleanup efforts. "It may rekindle that focus," he said.

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**KJZZ Radio 91.5 (AZ)**

http://kjzz.org/content/179881/adeq-expects-no-noticeable-change-arizona-water-quality-after-mine-spill

**ADEQ Expects No Noticeable Change In Arizona Water Quality After Mine Spill**

By Andrew Bernier

Aug. 18, 2015

The near 4 trillion gallons of water in Lake Powell will greatly disperse Gold King Mine contaminants to have minimal effect on Arizona water quality.

After examining water quality samples locally and from up river states following the Gold King Mine spill, officials do not expect mine contaminants to greatly impact Arizona water.

Coordinating with Utah officials, the Arizona Department of Environmental Quality (ADEQ) analyzed samples taken nearly 100 miles upriver of Lake Powell in the San Juan River.

The data suggests that water quality conditions are generally consistent with pre-spill conditions. Additionally, ADEQ has measured it's own samples of water in comparison to historical levels and standards.

It does not expect the spill to have short- or long-term negative impacts to either Lake Powell or downstream in the Colorado River.

As remnants of the spill disperse into the lake, it is worth remembering the full contaminant volume would only equate to 71 millionths of a percent of the water currently in Lake Powell.

**KSL.com (UT)**

http://www.ksl.com/?sid=36012584&nid=148&fm=most_popular&s_cid=popular-5

**Water from mine spill reaches Lake Powell**

By Dennis Romboy

Posted Aug 17th, 2015 @ 10:33pm

SALT LAKE CITY — Contaminated water from a Colorado mine has made its way to Lake Powell, leaving Utah officials wondering about possible long-term effects.

Rep. Rob Bishop, R-Utah, spent Monday on the lake with federal and state officials and said he was encouraged by what he saw and heard about any immediate danger.

"They think it's fairly well-diluted. They expect it to be positive, but it won't be definite until later on," he said.

But Bishop still wants to hold the Environmental Protection Agency's feet to the fire "because that's short term. You really don't know what the long-term situations are."

Meantime, the EPA inspector general is investigating the cause of the spill and the agency's response, which has drawn much criticism for being slow. Rep. Jason Chaffetz, R-Utah, chairman the House Oversight and Government Reform Committee, requested the investigation last week.

Utah declares state of emergency, considers legal action over EPA spill

Gov. Gary Herbert issued a state of emergency Wednesday, while state officials contemplate legal action over the Colorado mine spill that sent contaminated river water to southeastern Utah.

The EPA and the Utah Department of Environmental Quality took water and sediment samples at the confluence of the San Juan River and Lake Powell, as well as other places on the lake over the weekend. Results were still being analyzed Monday, but the EPA said it does not expect any significant impacts to the lake.

There are no closures in the Glen Canyon National Recreation Area, but the National Park Service still urged recreationists Monday to carry their own drinking water and not rely on filtering or purifying water from the San Juan River.

EPA and contract workers accidentally unleashed 3 million gallons of contaminated wastewater Aug. 5 as they inspected the idle Gold King Mine near Silverton, Colorado. The spill released heavy metals including arsenic, cadmium, lead and mercury into a tributary of the Animas River, turning the water mustard yellow and raising concerns about long-term environmental damage.

The EPA took responsibility for the accident and promised to pay for remediation.

The spill affected rivers that supply water for drinking, recreation and irrigation in Colorado, New Mexico and Utah, as well as the Navajo Nation.

Richard Hepworth, state Division of Wildlife Resources aquatics manager in southern Utah, said he doesn't expect any immediate impact to fish in Lake Powell, but he wants to "ensure people aren't eating bad fish" in years to come.

Much of the contamination dissipated before reaching the lake, but Hepworth said he suspects some of the heavy metals settled at the mouth of the San Juan River.

Everytime there's a storm or we get runoff events in the spring, you'll start seeing that show up more and more in fish down in the lake. I don't know enough about it to say, yes, it is going to be a problem, or no, it isn't. But we'll be watching for those problems.

–Richard Hepworth, DWR

"Everytime there's a storm or we get runoff events in the spring, you'll start seeing that show up more and more in fish down in the lake," he said. "I don't know enough about it to say, yes, it is going to be a problem, or no, it isn't. But we'll be watching for those problems."

Wildlife Resources already checks fish for mercury and will now do additional testing for a variety of heavy metals, Hepworth said.

Bishop reacted strongly last week to the EPA's role in the breach, calling it an "impressive double standard." Had a private company caused the spill, the agency would have come down hard, he said.

The House Natural Resources Committee intends to hold hearings on what happened and how the EPA plans to take care of it, Bishop said.

The congressman said he was impressed with EPA and National Park Service workers' response to the spill on the ground. But the EPA in Washington, he said, responded slowly to its own regional offices, as well as the states. He said there was no reason for the 24- to 48-hour delay.

"As I've said at other occasions, the federal government just owns too much to really be effective in its control and management, and that's sad," Bishop said.

Federal officials, though, were complimentary of how Utah handled the situation, he said. The state started testing the water and the fish as soon as it became aware of the contamination.

The Utah Department of Agriculture and Food last Friday lifted advisories against using San Juan River water for crop irrigation and livestock watering.

Based on the latest state evaluation of water samples, Utah State University veterinary toxicologists found the river's highest levels of contaminationposed no harm to plants, soils and animals.

The majority of the mine contamination passed through San Juan County last Tuesday.

Contributing: Associated Press

**LA Times**

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http://www.latimes.com/nation/la-na-river-spill-20150818-story.html

**Mine waste that fouled river isn't the only such sludge hidden in Colorado mountains**

By NIGEL DUARA

8/18/15, 4:00 AM

The San Juan Mountains' towering peaks poured gold and silver into the cities of the valley below, but nothing in this high, rugged country comes without a price.

The Environmental Protection Agency and a slate of state and local players have worried for decades about the poisonous waste and polluted water bequeathed by the rich mining history.

Locals thought the problem had been solved by pushing the toxic water back into the mountain. But then the mountain pushed back.

On Monday, the EPA's Office of Inspector General announced it would investigate the Aug. 5 spill and the agency's response. An EPA exploratory cleaning team narrowly escaped a 20-foot-high wall of orange water that coursed out of the Gold King Mine on Bonita Peak, about 12 miles north of Silverton.

Three million gallons of water laden with cadmium, lead and arsenic poured into tiny Cement Creek and from there into the Animas River, where Colorado and New Mexico officials cautioned people to stay out of the water and temporarily cut off irrigation to farms before restoring some use last week.

It is not the only source of pollution here. A series of other closed mines continues to pour 540 to 740 gallons of acid drainage per minute into Animas headwaters.

Who is to blame? The mining companies? The regulators who allowed the companies to plug a drainage ditch and let the water accumulate inside the mountain? Or the citizens of Silverton, who battled an EPA Superfund designation for more than 20 years?

No one can say for sure, but one thing is clear: The Gold King spill was years in the making.

"What's the original sin? Plugging that mine, then letting that water sit and letting the companies get away with it," said Mitchell Gillon, 30, who worked the mines for three years. "The EPA didn't make them fix it, and they're not going to do it on their own."

The mines' history is complicated, and any interconnectedness a mystery. With the flooding, no one can say with certainty whether one mine is connected to another and, if so, whose polluted water came out of Gold King.

Lithe and sinewy despite a months-long layoff from mine work, Gillon flicks a cigarette into Cement Creek without thinking, curses loudly and produces a pocketful of menthol cigarette butts to prove he is no litterbug.

"We love the place we live," he said, peppering his comments with a colorful combination of expletives delivered in a slight drawl.

"I want my kids, when I have them, to scratch their knees and bump their elbows here," he said. "We don't want this city gone. But we need mining back, responsible mining that won't dump metals like they did" in the 1890s.

Mine waste

Toxic waste streams out of the Gold King Mine near Silverton, Colo., last week. (Geoff Liesik / Deseret News)

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Gold King closed in the 1920s, but another mine, the Sunnyside, was believed to have access to the same vein. To reach it, Standard Metal in 1959 drilled a massive pipe into the mountain, aiming to tap the vein of gold from underneath.

The so-called American Tunnel collected water from Sunnyside mine, and possibly from other mines, and dumped the toxic tailings into Cement Creek.

Then in 1972, the U.S. revised the Clean Water Act and the mine's wastewater became an expensive problem for Standard Metal. The company needed discharge permits and a treatment plant for the polluted water.

Standard Metal sold the mine and its pricey water treatment problem to a group that named itself Sunnyside Gold Corp., a subsidiary of Canadian mining giant Kinross Gold. The state of Colorado insisted that Sunnyside Gold contain or treat the seepages coming out of the mine.

The company closed the Sunnyside mine in 1991, but the mine tailings remained. Company officials' solution was to seal the hole with a concrete plug the size of a railway car. A similar plug was used at Gold King.

For decades, that was that. Polluted water continued to pool and seep out of the mine, but not from the American Tunnel. Facing yet more fines, the company struck a deal with the state in the form of a consent decree: The mine would continue to drip toxic metals into the water, but Sunnyside Gold would do multimillion-dollar reclamation projects downstream.

At the time, this was considered a success story in dealing with the EPA, which investigated the area as a potential Superfund site.

But Silverton is a tourist town now. So locals and the mining companies joined forces as the Animas River Stakeholders Group, seeking to avoid a Superfund stigma.

The Superfund program uses taxpayer money to clean up environmental messes but is a shell of its former self. The fund used to be supported by penalties assessed on chemical and petroleum companies, but Congress let that funding source lapse in 1995. The Superfund program announced it was out of financial reserves in 2003.

"We didn't want a Superfund because it is not super funded," said Bill Simon, co-founder of the Animas River Stakeholders Group.

Now, the owners of Gold King and Sunnyside are pointing fingers at each other and blaming the EPA.

"Kinross Gold Corp. [owner of the Sunnyside] is a rogue mining company," said Todd Hennis, who owns the Gold King Mine and blames Sunnyside for the accumulation of water.

"I believe Sunnyside knew it was going to happen and they stalled any action because it will cost them money to fix it," Hennis said.

Kinross categorically denied that Sunnyside had any involvement in the spill.

"The representative of Gold King mine is making unsubstantiated, baseless and irresponsible allegations," Kinross said in response to emailed questions from the Los Angeles Times. "To reiterate, while the state-approved [plug] Sunnyside completed was always expected to return the local water table towards historic natural levels, it did not cause the water buildup at Gold King."

Without going into the flooded mine, EPA regulators and mine experts say, it's impossible to know whether cracks, fissures, fractures, geological faults or even exploratory drill holes after World War II could have connected the mines.

Since the spill, locals have complained that the EPA ignored warnings about toxic mine water and responded to questions with vague or nonexistent answers.

In a conference call with reporters last week, EPA Area Commander David Ostrander said the Sunnyside and Gold King mines "may have some connections back and forth." When asked later by email to clarify whether he believed such connections were possible, he replied, "We aren't going to comment on this."

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**NPR**

http://www.npr.org/2015/08/17/432600254/navajo-nation-farmers-feel-the-weight-of-colorado-mine-spill

**Navajo Nation Farmers Feel The Weight Of Colorado Mine Spill**

AUGUST 17, 2015 5:04 PM ET

LAUREL MORALES

Initially the agency downplayed the incident and provided little information. So Navajo President Russell Begaye traveled to the source of the toxic spill and posted a video of it on Facebook.

In the video, he stands in front of the still-leaking mine.

"This is the story that was related to us just now," he says. "The person was working the backhoe and trying to block off more of this area, but then he saw a spring ... and the water burst through here and it went straight down the mountain."

It's where rancher Irving Shaggy gets water for his family's livestock and to irrigate his fields.

"[I've] been growing sudangrass for my cattle and sheep, which is our livelihood," Shaggy says. "We sell the wool; we sell the cattle every year."

But Shaggy doesn't know if his cattle will be contaminated and unsaleable. He fights back angry, tired tears at the disruption of his usual routine.

"I mean, I'm upset, mostly because every two days I haul water to my livestock," he says. "And I get it from the river and I irrigate my fields."

Now, he says, he has to make a 70-mile round trip to get water.

"I can't irrigate," he says. "It's taking a lot out of me cuz I've been hauling out of the other river and that costs a lot of money."

Shaggy says the EPA isn't providing enough clean water or enough information, leaving him and hundreds of other farmers to speculate about the rest of the farming and ranching season — and the future.

"It's going to be a long struggle," he says. "The water's still contaminated and it's embedded in the mud and the rocks and the tree branches along the river."

This contamination brings up memories of other environmental disasters caused by the federal government. One in particular that Navajo people are talking about is uranium mine contamination — a decades-long legacy that still affects people on the reservation today. The EPA has only started in the last seven years to clean up those mines.

At an EPA meeting at the Shiprock Chapter House last week, a farmer spoke angrily to EPA representatives.

"These folks here are hurt," he said. "They're connected to the land. They're connected to the water. We can't be compensated for that. We can't be compensated for all the prayers that was given to that water of life."

"We are working hard very hard to get this right," answered EPA emergency responder Randy Nattis. "I'm frustrated. I know everyone here is frustrated. I haven't slept. No one has slept since this has happened."

The Navajo say it's difficult to trust the EPA when agency workers spent much of last week handing out forms to the farmers that would essentially waive their rights to sue the federal government for future damages.

The Navajo president said in a statement, "The Feds are protecting themselves at the expense of the Navajo people and it is outrageous."

**Parker Pioneer (AZ)**

http://www.parkerpioneer.net/news/article_2427f0be-451f-11e5-b13f-43bc32b3ae85.html

**Mine spill likely won't affect Parker waters**

Posted: Monday, August 17, 2015 1:32 pm

By John Gutekunst Parker Pioneer

A spill of waste from an abandoned mine in Colorado is making its way through tributaries into the Colorado River, but it's unlikely it will affect surface, ground or drinking water in Arizona. La Paz County Health Department spokesperson Kim Poorbaugh said the waste is being drained and diluted as it heads downriver.

"The contamination level should be negligible by the time it gets here," Poorbaugh said Aug. 13.

The spill occurred Aug. 5 at an abandoned mine near Silverton, Colo. In published reports, the U.S. Environmental Protection Agency said they were attempting to insert a pipe into the mine in order to drain off the waste material and treat it.

They underestimated how much pressure had built up underground. As a result, 3 million gallons of waste material was released into the Animas River.

The spill includes high concentrations of arsenic, lead and other heavy metals. The governors of Colorado, Utah and Mew Mexico have declared states of emergency and closed portions of the Animas and San Juan Rivers that feed into the Colorado. The Navajo Nation has also declared an emergency and shut down drinking water intake systems.

The states of Colorado, Utah and New Mexico and the Navajo Nation are considering legal action against the EPA.

The Arizona Department of Environmental Quality issued a press release on the spill Aug. 10. They stated it did not appear the spill would affect water in Arizona.

"At present, available information suggests that the Gold King Mine spill has not affected Arizona's surface, ground or drinking water," the press release stated. "EPA preliminary data collected within 24 hours of the spill showed that contaminant levels were 50 percent lower after moving about 10 miles downstream of the release site - Lake Powell is located another 250 miles further downstream."

The release went on to say ADEQ would send a team of water quality monitoring professionals to conduct testing both upstream and downstream of Glenn Canyon, which forms Lake Powell.

In addition, they would be working closely with the state, local and federal agencies involved in order to monitor water quality.

Poorbaugh said the spill is not expected to affect ground, surface or drinking water in Arizona or in La Paz County. She said water flows from dams have been increased to flush out the waste material. The EPA has also created eight drains to force the pollution out of the water.

Lake Havasu City water official Doyle Wilson added some of the compounds would settle at the bottom of lakes and reservoirs.

"It's got to go a long way before it gets here," Wilson said. "I would be surprised if we detected anything by the time it got here."

Poorbaugh said the La Paz County Health Department would be working with the EPA and ADEQ to monitor the situation and keep the public informed about the spill.

Reporter Zachary Matson contributed to this story.

**PBS News Hour**

http://www.pbs.org/newshour/bb/toxic-spill-causes-hardship-navajo-farmers-ranchers-downstream/

**Toxic spill causes hardship for the Navajo farmers and ranchers downstream**

August 17, 2015 at 6:35 PM EDT | Updated: Aug 19, 2015 at 11:02 AM

TRANSCRIPT

JUDY WOODRUFF: It's been 12 days since an accident at a defunct Colorado gold mine fouled rivers in three states.

Special correspondent Kathleen McCleery has an update on the impact the spill has had on Native Americans and others in Northwest New Mexico.

KATHLEEN MCCLEERY: The sunflowers in Upper Fruitland, New Mexico, are drooping.

LORENZO BATES, Speaker, Navajo Nation Council: When you look at them now, they're all hanging over because they haven't — they need water.

KATHLEEN MCCLEERY: On LoRenzo Bates' farm, it's not just sunflowers in trouble. The alfalfa, key for feeding his animals, is stunted.

LORENZO BATES: This is right now 12 days behind. This hay has to get me through the winter season.

KATHLEEN MCCLEERY: Bates, the speaker of the Navajo Nation, tallied his losses so far at $1,000 in just one week, no small amount in this poor region. It's all because Bates and thousands of others here couldn't pull water from the San Juan River, which abuts his land. Irrigation ditches were shut down after the mine accident earlier this month 100 miles north in Silverton, Colorado.

Efforts by the Environmental Protection Agency to clean up one mine resulted in a breach at another, the Gold King Mine, which has been inactive since 1923. A three million gallon toxic stew of heavy metals poured downstream, turning the Animas River a shocking yellow.

The Animas flows south and meets the San Juan in Farmington, New Mexico. Then it snakes north into Utah, where it skirts the upper edge of the Navajo Reservation. Eventually, it turns south into Arizona and ends up in a branch of Lake Powell, a journey of nearly 500 miles.

Among those hardest-hit are the Navajos, the nation's largest Native American tribe; 300,000 of them are spread out on a reservation larger than 10 states. The chapter in Shiprock, named for its enormous rock outcropping, has issued warnings to its members.

DUANE "CHILI" YAZZIE, President, Navajo Nation Shiprock Chapter: Stay away from the river. Do not use the river water for anything.

KATHLEEN MCCLEERY: Chili Yazzie is the chapter president. He's coordinating water deliveries to tribe members.

CHILI YAZZIE: There are many livestock owners that rely on the river for water for their livestock. As the local government, we began delivering water to at least those livestock animals.

KATHLEEN MCCLEERY: An alphabet soup of state, federal and local agencies are working with Navajos and other farmers and ranchers to evaluate the problem and fix it. Public meetings happen nearly every day, where ordinary citizens can take concerns directly to officials.

WOMAN: I have to say, I want to believe you, but I'm not comfortable with the idea of cleaning a ditch after the season.

MARK HAYES, On-Scene Coordinator, Environmental Protection Agency: This was not something that was intentionally done.

KATHLEEN MCCLEERY: Mark Hayes is the on-site coordinator for the EPA.

MARK HAYES: This has deeply and greatly impacted a lot of people and put a lot of people at an inconvenience. So you can imagine that — the frustration that comes out of that. So, we still have some concerns out there. And we're not — we're not trying to downplay it or anything like that. But it's definitely a concern, and there's definitely a sense of urgency that we're trying to get this handled.

KATHLEEN MCCLEERY: The agency, which ordinarily investigates environmental disasters,

has taken responsibility for this one.

Administrator Gina McCarthy:

GINA MCCARTHY, Administrator, Environmental Protection Agency: This is a tragic incident. I am absolutely, deeply sorry that this ever happened, but I want to make sure that we react positively, and in a way that's credible, and we move this forward.

KATHLEEN MCCLEERY: But that's not enough for New Mexico Governor Susana Martinez, who surveyed the scene last week.

GOV. SUSANA MARTINEZ (R), New Mexico: Well, we certainly expect the EPA to pay for every bit of the costs for this catastrophe. They caused it. They pay for it.

KATHLEEN MCCLEERY: The governor has threatened legal action against the EPA, as have Navajo leaders.

LORENZO BATES: It's a given that folks are going to sue the — the U.S. EPA. So President Obama is going to be the one that's going to end up at some point in time possibly signing a check. The question is, how big is that check going to be?

KATHLEEN MCCLEERY: Settling ponds are reducing the contamination for now. The Gold King Mine is not unique. There are a half-a-million abandoned mines around the country, more than 20,000 in Colorado alone. And some are leaking dangerous chemicals.

According to the EPA, a nationwide clean up could cost as much as $50 billion. Back on the San Juan River, the golden hue has dissipated.

DENNIS MCQUILLAN, State Scientist, New Mexico: What we're doing now is measuring the electrical conductivity, the mineral content of the river water.

KATHLEEN MCCLEERY: State scientist Dennis McQuillan has run tests comparing river water with water from nearby wells.

DENNIS MCQUILLAN: So, remember, it's 474 in the river, so it's going to be stabilizing in just a minute.

KATHLEEN MCCLEERY: Almost 1,800.

DENNIS MCQUILLAN: Almost 1,800. And what this tells us is that this well has groundwater, not river water. This well has not been touched by the contamination in the river. And this is a really good thing.

KATHLEEN MCCLEERY: That allowed state officials to give an all-clear to resume drinking well water. Saturday night, they began scheduling irrigation and lifted the ban on recreational use of the river.

But they advised residents to wash with soap after contact with the water and warned against eating any of the fish. But the Navajos, a sovereign nation, haven't lifted their restrictions. And many are worried about the long-term environmental impact of the spill.

GOV. SUSANA MARTINEZ: Sometimes, when you look at the river, it seems like normal. But what has settled, but what solids have settled to the bottom of the river?

KATHLEEN MCCLEERY: Those solids could be roiled up in a heavy storm. Protecting and preserving the river is especially important for the Navajos, who've lived here for more than 600 years, and for whom the land and water have very special meaning.

DUANE "CHILI" YAZZIE: The water and the land are very central to our — to our way of life, not only physically, but spiritually. We are in a state of mourning. It's like losing somebody.

KATHLEEN MCCLEERY: I'm Kathleen McCleery for the PBS NewsHour on the Navajo Reservation in Northwest New Mexico.

**Phoenix New Times (AZ)**

http://www.phoenixnewtimes.com/news/animas-river-spill-unleashes-potential-disaster-on-navajo-nation-7575696

**ANIMAS RIVER SPILL UNLEASHES POTENTIAL DISASTER ON NAVAJO NATION**

BY MIRIAM WASSERWEDNESDAY

AUGUST 19, 2015 11:00 AM EST

Two weeks after an accident in an abandoned mine in Colorado caused more than 3 million gallons of toxic, heavy-metal-laden sludge to gush into the Animas River, disaster looms for the northern Navajo Nation.

Thousands of acres of farmland could dry up, and hundreds of families could see their primary source of income disappear.

Many miles of coastline along the San Juan River, a downstream tributary of the Animas, are designated agricultural areas, and many farmers there still are without a reliable source of uncontaminated water for their crops. Though the drinking-water ban was lifted on August 7 because residents receive their water from a reservoir upstream from where the Animas and San

Juan rivers meet, the ban on accessing river water for crops and livestock still is in place.

The U.S. Environmental Protection Agency, which oversaw the contractor responsible for the spill, has been conducting water-quality tests for days along the hundreds of miles of affected waters and says most areas are at or close to pre-contamination levels. A sediment study from near Shiprock released Tuesday shows that "sample concentrations are trending toward pre-event conditions."

Yazzi says there also are independent tests being done but that so far he and others have only seen the U.S. EPA's results: "It's saying the water is fine, but of course we're skeptical."

To prevent a catastrophic crop collapse, the EPA ordered a massive delivery of clean water for farmers to use. The company SSS Trucking was responsible for bringing in 11 16,000-gallon containers and the water to fill them, but when the first farmers lined up Saturday to tap into the supply, what came out of the valve was discolored, had an oily sheen, and smelled like petroleum.

"We were feeling some relief in thinking that we were going to be getting water to our crops," Yazzi says. "We knew that the farmers up-river, the non-Native farmers, were doing exactly that [and] were having water delivered to water their crops from some of the same contractors that were hired to run the water here."

He says the company "kept trying to assure people that the water was clean, but if the water comes out smelling like petroleum, you know it's not certified clean." (SSS Trucking did not respond to a request for comment.)

Most refused to use the water, though Yazzi relays a story he heard from a local farmer early Tuesday morning. The man said he had used the trucked-in water on his fields, and even now, a day later, it still smells faintly of petroleum and the plants are covered with an oily sheen.

"The hopes of the farmers of actually being able to save some of the precious crops were obliterated in an instant with the tainted water," Yazzi wrote on Facebook recently. "EPA and

SSS Trucking were told to take the water and dump it off Rez, to load up the tanks and get off the Rez . . . Now the Chapter, the Navajo Nation, and [the Bureau of Indian Affairs] are scrambling to secure other sources for water. Crops are getting thirsty; it is reaching critical stage. Pray for rain."

There are at least 750 unique land-use permits for farming in Yazzi's area, but to calculate how many people are affected, he thinks you'd need to multiply that number by at least seven or eight because often multiple generations of the same family work on a farm together.

The EPA, having vowed to compensate people for spill-related damages, spent much of last week distributing paperwork for people to document their losses. But the documents included a tricky waiver that if signed, essentially absolved the EPA from paying out any future claims. Yazzi says a waiver like this is deeply problematic because "we know that a lot of the damage and effects of heavy metals are permanent, [and often] not seen for many, many years," and he adds that the EPA stopped distributing the forms following public outcry.

Still, it's the unknown long-term effects of the spill that really worry him. He wonders what will happen not just to humans and crops but to the wildlife — deer, bears, birds, and even wild horses — that drink the river water.

He knows that the nature of the media cycle is such that big issues like the Animas River spill may dominate for a week or so before people either lose interest or focus their attention on a new catastrophe.

"There have been a lot of tears shed. It's very painful situation that our farmers have been placed in. [But] I'm not really paying attention to how people are viewing this on a national basis [or] whether people are losing interest," he says. "Because it doesn't really matter if people lose interest — we're the ones stuck with the problems."

**Pine River Times (CO)**

http://www.pinerivertimes.com/article/20150818/PRT01/150819810/-1/prt/Vallecito-businesses-

fear-tourism-impacts-from-toxic-mine-spill-

**Vallecito businesses fear tourism impacts from toxic mine spill**

By Carole McWilliams

Times Senior Staff Writer Article Last Updated: Tuesday, August 18, 2015 3:34pm

Worries about area tourism impacts of the toxic mine spill in the Animas River were among the topics raised Monday evening at a La Plata County Commissioners "on the road" meeting at Vallecito.

"We've had half a dozen phone calls asking, is this a problem?" Pine River Lodge owner Donna Atkinson said, referrng to the Aug. 5 toxic mine spill that turned the Animas River orange temporarily and made national news. "I haven't seen any problems losing customers, but I'm worried about the future." She worried that it will affect tourism in the entire area. Her family has owned Pine River Lodge for more than 50 years.

County Commissioner Brad Blake said, "It's real. People have cancelled property viewings." Local business development and promotion groups are working to address that, he said, citing the Durango Area Tourism Office (DATO), Durango Business Improvement District (BID), Durango Chamber and La Plata Economic Development Alliance.

County officials met with those groups on Aug. 10 and asked them to identify impacts on businesses, County Manager Joe Kerby said. They are being asked to quantify financial impacts and develop a strategy to combat negative effects on area tourism. That group is meeting once a week, he said.

"I do think there will be an impact we have to combat," Kerby said, citing the now-iconic picture in the Durango Herald of three kayakers in the orange water at Bakers Bridge.

County Commissioner Julie Westendorff said companies that rent paddle boards have been promoting area lakes as an alternate place for people to use their product.

County Emergency Management Director Butch Knowlton gave a recap of the toxic spill from the Gold King Mine above Silverton and the response to it. "We were notified on Wednesday, the 5th. I found out how bad it was from the train crews coming down the canyon. They said it's really ugly. Each one of the trains gave a report, and we were able to track it by milepost. We knew when it would get to the valley" north of Durango.

"The hard part for us was we didn't know what it was, how bad was the water," Knowlton said. "It took the EPA days to take (river water) samples and get them back to us. We finally determined the sediment wasn't as bad as it looked."

He commented, "It's been very rewarding to see the responses that came in, very expensive to the taxpayers of the U.S. This is the first time in my career that I've responded with a bunch of doctorate degree people. Some I enjoyed working with, some you'd want to push out the back door."

As of Monday, he said the Animas River was being affected by a pH imbalance that made the water green.

Westendorff said, "As an injured party, we're tendering bills to the EPA for (county) employees who were taken from their regular jobs, other costs, providing space to the EPA" at the fairgrounds. "And for business owners who lost business. We've given a list of demands to the EPA about compensation and fixing the situation with the mines. They are putting around 1 million gallons per day into the river. And there are other mines. And monitoring domestic water wells" near the Animas.

Commissioner Gwen Lachelt added, "We hired our own water expert to do independent testing and analyze the EPA's analysis," which she described as trust but verify.

"The EPA will be paying for that as well," Westendorff said.

Vallecito Chamber president Paul Eckenrode said, "We appreciate everything you've done. We'd be short-sighted to think we aren't affected in some way."

**Salt Lake Tribune (UT)**

http://www.sltrib.com/home/2852102-155/utah-lawmakers-speculate-feds-mightve-orchestrated

**Utah lawmakers speculate feds might've orchestrated toxic river spill, ask AG to investigate**

By BRIAN MAFFLY

First Published Aug 18 2015 08:36PM

Last Updated Aug 18 2015 11:05 pm

Two Utah lawmakers on Tuesday speculated that federal environmental officials might have deliberately triggered the Colorado mine release that sent 3 million gallons of toxic sludge into a San Juan River tributary, and asked Utah Attorney General Sean Reyes to investigate the possibility.

Reyes was briefing the Utah Water Development Commission when Sen. Margaret Dayton, R-Orem, suggested the Environmental Protection Agency could have breached the Gold King Mine in an effort to justify Superfund designation for the long-dormant gold mine.

Rep. Mike Noel, whose district covers Utah's southeastern corner, affected by the spill, joined Dayton in theorizing — neither offered evidence — that the EPA may have caused the release to help environmentalists put a halt to mining.

Reyes said he would inquire into the matter when he visits with EPA officials at the mine Wednesday to assess the spill site, but a Salt Lake City environmentalist blasted Dayton and Noel's claim as "ridiculous, unprofessional, paranoid nonsense."

Zach Frankel, executive director of the Utah Rivers Council, noted that environmental activists agree EPA holds a lot of blame — for causing the release and for its slow response to it — but he believes Noel's suspicion is misplaced.

"To deliberately cause this would not only violate the Clean Water Act, there would be a whole set of criminal charges that could be filed," Frankel said in an interview.

He challenged the lawmakers to channel some of their outrage toward oil companies that contaminate Utah rivers.

"A year ago when an oil company polluted the Green River there were so many state interests willing to look the other way, but when EPA does it, suddenly it's a conspiracy," Frankel said.

In May 2014, an old well operated by S.W. Energy Corp. near Moab blew out, spilling thousands of barrels of hydrocarbon-laced water into the river just above Labyrinth Canyon. Frankel criticized the Utah Department of Environmental Quality for failing to adequately monitor water quality.

"They have no proof of contamination because they didn't go downstream to sample. They asked me what would be the purpose of that," Frankel said. "If it's an oil company, we don't need to sample, but if it's the EPA, you want damages."

In contrast to its response to the S.W. Energy blowout, he said, DEQ threw lots of resources at the Gold King spill as the acidic plume, laden with arsenic and other heavy metals, washed down the Animas and San Juan rivers on its journey to Lake Powell.

While questions remain about the spill's long-term impacts, monitoring indicates the short-term crisis has passed.

"The numbers show we are below the standard of concern for irrigation and stock watering," said Alan Matheson, DEQ executive director.

Matheson said his agency has run up a huge tab confronting the crisis, dispatching numerous officials from the Division of Water Quality to the San Juan to conduct monitoring.

"We flew samples to Salt Lake to get results back within 24 hours," Matheson said. "We thought it key the folks in Utah know the impact as soon as possible. We have incurred significant expenses, significant overtime taken away from their normal jobs."

Reyes said he intends to recoup these costs, which EPA Administrator Gina McCarthy has promised would be paid, as well as help recover damages for ranchers and farmers who have had to haul water because the mine waste contaminated their irrigation supply.

"We need to be compensated for the emergency response and long-term remediation. We want someone to pay and at the very least it should be EPA and other culpable entities," Reyes said, referring to EPA contractors and the mine owners. "There are a lot of monitoring costs up front and over the long haul."

His office is exploring a variety of legal options and intends to wait to see how EPA responds to the affected states' claims before deciding on a course of action.

**Wall Street Journal**

http://www.wsj.com/articles/the-perpetrators-should-pay-for-the-epa-yellow-river-1439927026

**LETTERS The Perpetrators Should Pay for the EPA-Yellow River**

August 19, 2015

I hope the states of Colorado, New Mexico and Arizona wring some recompense from the federal government to repay their citizenry for their loss of income and for having to clean up what the EPA Mine Busters created.

Thank you for your Aug. 12 editorial "Mine Busters at the EPA." We Coloradans feel exactly as you have stated. The immense stupidity of the EPA is difficult to understand. You should see the dismay of all those in small Colorado towns along the contaminated rivers who depend on summer tourism for a living. The season for fly fishing, kayaking and river rafting is short to begin with, and now this 2015 season has a big hole poked in it as the contamination has essentially stopped all such activity for the remainder of this season.

The comparison to the damages sought on the Gulf Coast over the BP Horizon disaster is a perfect counter piece. I also thought of Duke Energy's coal ash 2014 debacle in Appalachia. It is difficult to understand how the EPA has immunity in such an instance. Perhaps it needs protection when trying to actually clean up an unfolding environmental disaster, but how about the disasters it actually creates from situations not requiring remediation? I hope the states of Colorado, New Mexico and Arizona (California, too?) are persuasive enough to wring some recompense from the federal government to repay their citizenry for their loss of income and to repay the states for having to clean up what the EPA Mine Busters created.

John E. McElhiney, Ph.D.

Centennial, Colo.

In July 1991 a Southern Pacific train derailed north of Dunsmuir, Calif., on the Sacramento River, spilling 19,000 gallons of Metam sodium, an agricultural pest fumigant with a hydrolysis half-life (decomposition in water) of 2.2 days and an even faster decomposition rate when exposed to air. That's 19,000 gallons versus the EPA's three million gallons and counting into the Animas River in Colorado. It ran an opaque, sickening yellow orange for days, depositing toxic heavy metal sludge along an over 300-mile path headed for drinking water reservoirs and the Grand Canyon.

In 1991, 60 federal, state and local agencies descended on Southern Pacific demanding immediate action. Then-Rep. Barbara Boxer demanded congressional hearings, and Southern Pacific executives were immediately dragged to Washington, D.C. Demands were made for "reparations" and massive financial assistance with calls for company representatives to be jailed and fined. For its part, Southern Pacific responded within hours of the spill, hiring top national experts, spending unrestricted millions of dollars, hiring environmental clean-up experts and engaging world renowned toxicologists and engineers from all disciplines. In two weeks the toxins were gone.

Contrast that with the EPA's recent Animas River spill. There were no hearings. The EPA took a couple of days to even admit what happened and then understated the spill by three times. The head of the EPA apologized and said essentially that accidents happen. The heavy metal sediments will be there for generations. Where is the public outcry? Where are the legions of plaintiffs lawyers descending like locusts on the affected townspeople explaining to them how sick they are and how bad this will hurt them? Where is Barbara Boxer and her "on-site" hearings?

Like the VA, the EPA will never be held to account. The SP, now part of Union Pacific, is still being held to account.

John F. Spisak

Lone Tree, Colo.

It is nice the EPA apologized for contaminating the Animas River, but that agency would not accept an apology if someone else or a business did this. There would be a big fine and other

penalties. I think the person in charge of this operation should be fired or at least demoted, and the EPA should reimburse the affected states for their expenses. If they do not have the money, then they should lay off people to get the money they need, as would be done with any business.

Gary Oetting

King City, Calif.

The Journal justifiably criticizes the EPA for causing a bad situation and then making it worse. But what the editors fail to mention is who, exactly, left all those thousands of abandoned mines full of waste? Thousands of miners, both individual and corporate. Did the federal government make those mines and earn the profits from the metals extracted therefrom? No. Yet it is left to the feds, and by extension the American people, to clean up the private sector's mess.

Joseph Lowry

Arlington, Va.

While discussing with my family the EPA's release of toxic waste and the wrong way to address an error, we began to describe the color of the water as "EPA yellow."

David Birney

Derwood, Md.

**White Mountain Independent (AZ)**

http://www.wmicentral.com/opinion/editorials/epa-toxic-spill-is-not-the-only-problem/article_43cfbf30-4549-11e5-b8fe-ef33d50f48a7.html

**EPA toxic spill is not the only problem**

Karen Warnick - The Independent

Posted: Tuesday, August 18, 2015 5:00 am

By now, there are plenty of outraged people in the western states of Colorado, New Mexico, Utah, Arizona and California over the 3 million gallons of mine waste that was "accidentally" released into the Animas River in Colorado by contractors for the Environmental Protection Agency.

They all have plenty of reason to be outraged: the spill was not reported to anyone until almost a full day after it happened; the agency has downplayed the toxic effects of the lead, arsenic, cadmium, aluminum, copper,and who knows what else (certainly not the EPA); the lack of communication with anyone involved; the slow response to doing anything about it; and the lack of information about how they are going to both fix it and help those who are most affected.

The EPA did accept full responsibility for the spill, for whatever good that does. Gina McCarthy, the head of the EPA has sincerely apologized, but then says things like: "the lag time is mainly due to the nature of the government's efforts … It does take time to review and analyze data … As far as I know, we have been thankful that there are no reported cases of anyone's health being compromised."

Yeah, well, the effects of these toxic materials can take years to show up.

Politicians and officials of various agencies have had plenty to say: "This is a government bureaucracy at its worst: asserting itself more and more into the livelihoods of so many Arizona residents by claiming every backyard puddle is a protected waterway under EPA jurisdiction, yet failing miserably to properly handle a basic procedure to ensure a safe water supply," Arizona Republican Party Chairman Robert Graham said. "This is one of the most visible and outrageous displays of incompetence at the hands of officials who seem to be doing everything except protecting our environment, and on behalf of Arizona voters we demand a full explanation and assessment of the harm caused to our environment."

Others are already talking lawsuits and fining the EPA. What they don't realize is that lawsuits will be paid for by the taxpayers. Fines will be paid by the taxpayers. Cleanup will be paid for by

the taxpayers.

Because the EPA is not a private corporation, fining them will not do any good. It will only hurt all of us somewhere down the road when there isn't enough money in some budget or another.

The denial by the EPA that there will be any major health problems once the spill has spread out is just plain crazy. We're talking about an agency that makes the lives of millions of people miserable for minor infractions of their rules and regulations.

Here are some of the real problems about this spill that aren't getting as much attention.

Long-term exposure to arsenic can cause blindness, paralysis and cancer. We all know what lead poisoning can do to the body as it's been banned in almost everything. For the EPA to downplay any environmental impacts goes against their own propaganda and just plain common sense.

There are over 55,000 abandoned mines in western states, and most of them are toxic. Why hasn't something been done before now? Why haven't the mining companies been held accountable to clean up their own messes? The Gold King mine has been abandoned since 1923.

Who is going to be responsible to monitor the millions of acres of rivers, streams, lakes, wildlife, humans, and vegetation that could, and probably will be affected by the toxins? Who is going to pay for all the cleanup, monitoring, and ill effects? Who is going to pay for the lost revenue of towns, communities, and small business owners who depend on those rivers, streams, wildlife and vegetation to feed their families?

Yeah, it will be us, the taxpayers.

For me the real problem is the EPA and its tyranny over all things they consider harmful. Here is something that is really harmful and it's being downplayed. They have just lost all credibility.

The real problem is doing something to reign in the EPA and the for-profit corporations that make billions of dollars exploiting our resources and who aren't being held accountable for their actions.

Anyone remember the Love Canal debacle? Chernobyl? Three Mile Island? The Gulf of Mexico oil spill? Fukushima? GMO's? Pesticides? Asbestos?

None of these will ever be over and to think that this new toxic blight will just go away is wishful thinking. It's not about the immediate effects. It's about the buildup of toxics from all sources in our world.

For decades we've been downplaying, ignoring and covering up the harmful effects of our modern technology. We've allowed, no, we've encouraged corporations to pollute our world, all in the name of progress (money).

The cumulative effects of all of this will one day rear its ugly head and it will be too late to do

anything but watch our world die.

**Yuma Sun (AZ)**

http://www.yumasun.com/news/adeq-state-unlikely-to-see-effects-from-toxic-colo-mine/article_3c58a47c-462c-11e5-a2f9-139bfc7d0725.html

**ADEQ: State unlikely to see effects from toxic Colo. mine spill**

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By Blake Herzog @BlakeHerzog

Arizona Department of Environmental Quality officials said Tuesday water quality readings north of Lake Powell lead them to believe the state won't see any effects from this month's spillage of 3 million gallons of mining waste into the Colorado River system.

Samples taken from the San Juan River about 100 miles upstream from Lake Powell in Utah, the closest point to Arizona that's been studied, have produced water consistent with conditions before the accidental release of sludge containing lead, arsenic and other heavy metals Aug. 5.

"Based on what we're seeing with the water flowing into Lake Powell, we don't expect there to be noticeable change in water quality in Arizona," ADEQ Director Misael Cabrera said.

Lake Powell at the end of last month held about 4 trillion gallons, Cabrera said, which means the 3 million spilled amounts to .000071 percent of the total volume of Lake Powell: "ADEQ does not expect this spill to have short- or long-term negative impacts to Lake Powell and the downstream Colorado River."

ADEQ spokeswoman Caroline Oppelman said the agency is expected to receive results by today from samples taken from Lake Powell and the Colorado River at Lee's Ferry last week, in the wake of the incident. "Those samples were taken to establish a baseline, like we do day in and day out," she said.

Environmental Protection Agency employees and contractors inspecting the Gold King mine near Silverton, Colo., inadvertently drilled through a wall retaining the mining wastewater,

sending a dramatic yellow-orange plume into Cement Creek, which feeds into the Animas River, which in turn rolls into the San Juan River.

Local authorities on Friday began lifting use restrictions on the Animas and San Juan rivers as water quality readings return to levels from before the incident, Oppelman said.

City of Yuma officials released a statement Aug. 10 that the incident is not expected to affect the city's water supply, taken mostly from the Colorado River, and relayed a quote from the ADEQ's Tuesday news release through its Twitter account.